

भारत का राजपत्र The Gazette of India

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नई दिल्ली, शनिवार, जून 8, 1991/ज्येष्ठ 18, 1913
NEW DELHI, SATURDAY, JUNE 8, 1991/JYAISTHA 18, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन, मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 13 मई, 1991

का. घा. 1543.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री पी पी राजप्पन, अधिवक्ता को अपर सेशन न्यायाधीश कोयम्बटूर के न्यायालय में केन्द्रीय अधिवक्ता ब्यूरो में छह मामलों अर्थात् आर. सी. 45/80, मद्रास, आर. सी. 48/85, मद्रास, आर. सी. 3/32 मद्रास, आर. सी. 4/82 मद्रास, 32/81 केर और आर. सी. 4/83 मद्रास का अभियोजन का संचालन करने के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/8/87-ए पी डी-I]

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES & PENSIONS

(Department of Personnel & Training)

New Delhi, the 13th May, 1991

S.O. 1543 :— In exercise of the
powers conferred by Sub-Section (8) of Section

1407 G1/91--1

24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government, hereby appoints Shri P.P. Rajappan, Advocate, as Special Public Prosecutor for conducting prosecution of six CBI cases viz., R.C. 45/80 MAS, RC 48/85-MAS, RC 3/82 MAS RC 4/82-MAS, RC 32/81-KER and RC 4/83 MAS in the Court of Addl. Sessions Judge, Coimbatore.

[No. 225/8/87-AVD. II]

का. घा. 1544.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री आर. के. शाह अधिवक्ता, भद्रमबा बाद को विशेष जज का न्यायालय, भद्रमबा बाद में विचारण के लिए लखन दिल्ली विशेष पुनिस स्थापना मामलों यथा, श्री किरित आर. आचार्य और अन्य के विरुद्ध आर. सी. 2/83-सी आई. यु. (बी) श्री बी आर पानखियाला और अन्य अन्य के विरुद्ध आर सी 5/83 सी आई यु (बी) श्री ए. पी. कुन्वानी और अन्य के विरुद्ध आर.सी. 8/83-सी आई यु. (बी) तथा एन. जी. राजिया और अन्य के विरुद्ध आर. सी 10/84-आई यु. (बी) के विचारण के संचालन के प्रयोजन के लिए विशेष लोक अभियोजक नियुक्ति करती है।

[संख्या 225/8/89-ए पी डी-I]

(2457)

S.O. 1544 :—In exercise of powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri R.K. Shah, Advocate, Ahmedabad as Special Public Prosecutor for the purpose of conducting the trials of the Delhi Special Police Establishment cases viz. RC. 2/83-CIU (B) against Shri Kirit R. Acharya & others RC. 5/83-CIU (B) against Sh. V.R. Palkhiwala & others RC. 8/83-CIU (B) against Shri A.P. Kundnani & others and RC. 10/84-CIU (B) against Sh. N.G. Radia and others pending trials in the court of Special Judge, Ahmedabad.

[No. 225/89-AVD. II]

शुद्धिपत्र

नई दिल्ली, 16 मई, 1991

का. आ. 1545 :—इस विभाग की अधिसूचना संख्या 228/19/91-ए.पी. डी.-1) विनांक 19-4-91 के अंग्रेजी श्वास्त्र की 17वीं पंक्ति में छाने वाले शब्दों "एफ. आई. आर संख्या 55/91" को एफ आई. आर. संख्या 56/91" पढ़ा जाए।

[संख्या 228/9/91-ए पी डी]

CORRIGENDUM

New Delhi, the 16th May, 1991

S.O. 1545 :— In this Department Notification No. 228/19/91-AVD. II dated 18-4-91, in the English Version the words "FR No. 55/91" appearing in the 17th line, may be read as "FIR No. 56/91".

[No. 228/19/91-AVD. II]

नई दिल्ली, 23 मई, 1991

का.आ. 1546.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार विनांक 25-5-91 के पत्र संख्या एस. सी./2680/91 द्वारा प्राप्त तमिलनाडु राज्य सरकार की सहमति से उसके गृह (एस. सी.) विभाग के दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार निम्नलिखित अपराधों के अन्वेषणों के लिए सम्पूर्ण तमिलनाडु राज्य पर करती है, अर्थात्:—

- (क) तमिलनाडु जिला अश्रम (पश्चिम)—श्री वेङ्कटदूर पुलिस स्टेशन, बंगाली में दर्ज किए गए अपराध संख्या 329/91 के मामले में संबंधित भारतीय दण्ड संहिता 1860 (1860 का अधिनियम संख्या 45) की धारा 302, 307, 326 तथा भारतीय विस्फोटक पदार्थ, अधिनियम, 1908 (1908 का अधिनियम संख्या 6) की धारा 5 और 6 के अन्तर्गत दण्डनीय अपराध।

(ख) उपर वर्णित अपराधों के संबंध में या उससे संश्लेष प्रयत्न वृद्धरण और वसुंधरा तथा जहाँ तथ्यों से उत्पन्न होने वाले वैसे ही सत्यवहार के अनुक्रम में किया गया या किए गए कोई अन्य अपराध

[संख्या 228/28/91-ए पी डी II]

ए.सी. शर्मा, अवर सचिव

New Delhi, the 23rd May, 1991

S.O. 1546 :— In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government with the consent of the State Government of Tamil Nadu vide its Home S.C. Department letter No. SC/2680/91 dated 22-5-1991 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Tamil Nadu for investigation of offences as hereunder:

- (a) Offences punishable under Sections 302, 307, 326 of the Indian Penal Code, 1860 (Act No. 45 of 1860 and under Sections 5 and 6 of the Indian Explosives Substances Act 1908 (Act No. 6 of 1908) relating to case in Crime No. 329/91 registered in Sriperunbudur Police Station Changai Anna (West) District, Tamil Nadu;
- (b) Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/28/91-AVD. II]

A.C. SHARMA, Under Secy.

विशेष मंत्रालय

(हज सैल)

नई दिल्ली, 10 मई, 1991

का. आ. 1547 हज समिति अधिनियम, 1959 (1959 की सं 51) की धारा 6 की उपधारा (1), (4), (5), के अनुसरण में यह सूचित किया जाता है कि हज समिति बम्बई की 18 अप्रैल, 1991 को हुई बैठक में श्री सलीम अहमद राज्याक जकारिया, विद्यालय. सभा सदस्य को उनका अध्यक्ष और श्री सलीम उल्लाह और श्री मोहम्मद युसुफ आई, जावेरी, नगर पालिका पार्सद को उसका उपाध्यक्ष चुना गया।

[संख्या एम (हज)/118-1/2/89]

के पी फैनियक, संयुक्त सचिव (बाड़ी)

MINISTRY OF EXTERNAL AFFAIRS

(Haj Cell)

New Delhi, the 17th May, 1991

S.O. 1547.—In pursuance of Sub-section (1), (4) and (5) of Section of the Haj Committee Act, 1959 (No. 51 of 1959), the election of Shri Salim Abdul Razzak Zakaria,

MLA as Chairman and that of Shri Salamatullah and Shri Mohd. Yusuf I. Zaveri, Municipal Councillor as Vice-Chairman of the Haj Committee, Bombay at the meeting of the Committee held on 18th April, 1991 is hereby notified.

[No. M/Haj, 118-1/2/89]

K.P. FABIAN, Jt. Secy. (GD/Haj)

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 29 मई, 1991

(पुरातत्व)

का.प्र. 1548:— केन्द्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958, (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षानुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं.का.प्र. 3051 तारीख 30 अक्टूबर, 1990 द्वारा, जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 17 नवम्बर, 1990 में प्रकाशित की गई थी, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की बी मास की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त संस्मारक के समीप सहज दृश्य स्थापना पर लगा दी गई थी,

और उक्त राजपत्र 22 नवम्बर, 1990 को, जनता को उपलब्ध करा दिया गया था, और केन्द्रीय सरकार को जनता से कोई आशय प्राप्त नहीं हुआ है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, इससे उगावद्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का होना घोषित करती है।

अनुसूची

राज्य	जिला	परिक्षेत्र	संस्मारक स्थल का नाम	संरक्षण के लिए शामिल किए जाने वाले राजस्व प्लॉट संख्या	क्षेत्रफल	सीमाएं
1	2	3	4	5	6	7
तमिलनाडु	सलेम	अम्मनकोविल पट्टी ग्राम पनियारी पट्टी	ब्रह्मी शैल उत्कीर्णलेख	नीचे दिए गए स्थल रेखांक में चिह्नित किए गए सर्वेक्षण प्लॉट सं. 105 का भाग	0.75 एकड़	उत्तर : सड़क, पूर्वक : सर्वेक्षण सं. 105 का शेष भाग-दक्षिण सर्वेक्षण सं. 102/2 ए और सर्वेक्षण सं. 105 का शेष भाग, पश्चिम-सर्वेक्षण सं. 105 का शेष भाग

स्वाभित्त्व

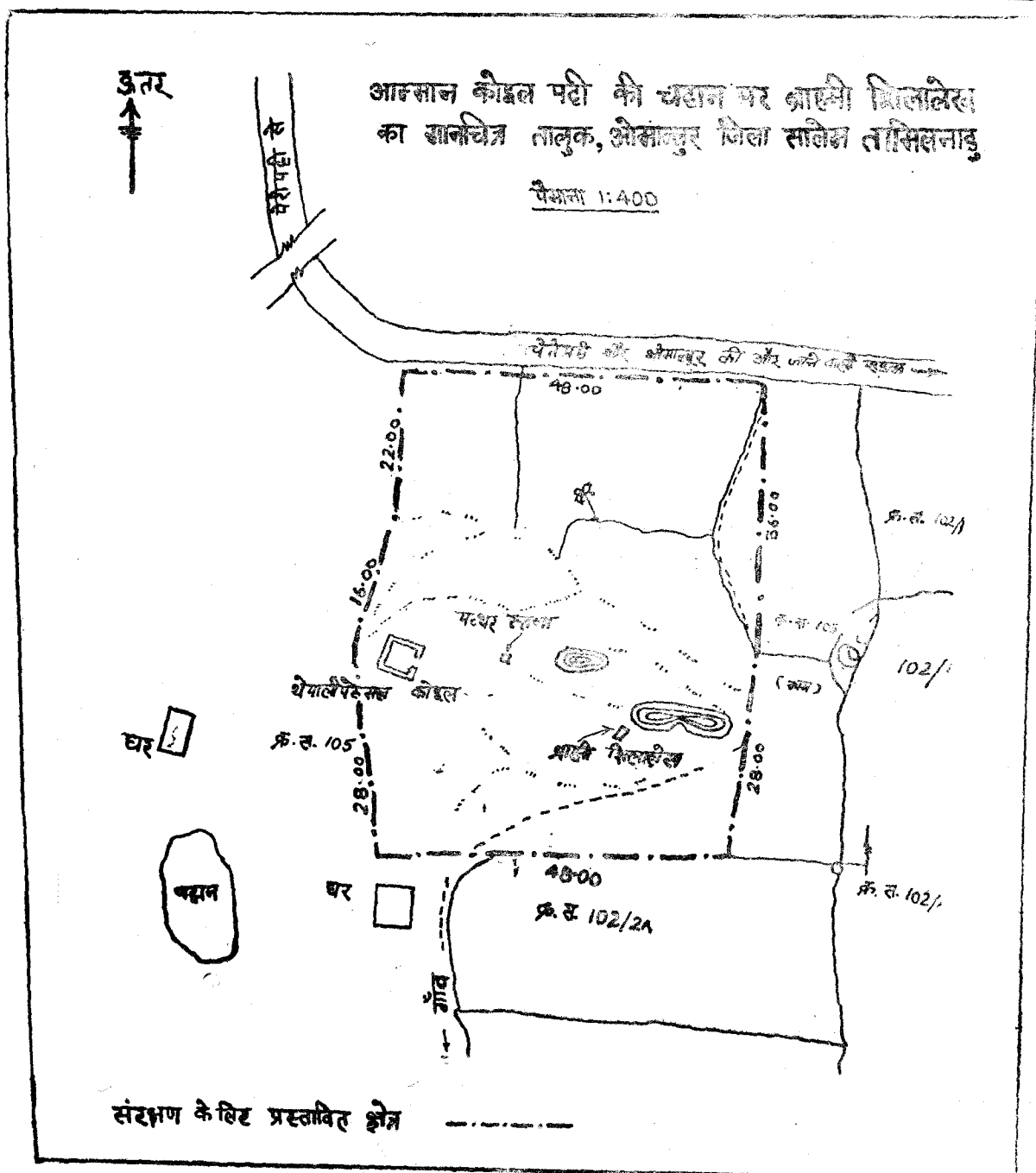
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पारमर्शक

स्तम्भ 5 के अधीन विनिर्दिष्ट क्षेत्र के भीतर अवस्थित मंदिर और शिला स्तम्भ, प्रस्तावित संरक्षण के अधीन नहीं हैं।



[सं. 2/35/84-एम]

DEPARTMENT OF CULTURE
(Archaeological Survey of India)
New Delhi, the 29th May, 1991
(ARCHAEOLOGY)

S.O. 1648.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) No. S.O 3051, dated the 30th October, 1990 published in the Gazette of India, Part II, Section 3, sub- Section (ii) dated the 17th November, 1990, the Central Government gave two months notice of its intention to declare the monument specified in the Schedule to the said notification to be of national importance and a copy of the notification was affixed in a conspicuous place near the said monument as required by sub-section(1) of section 4 of the Ancient Monuments and Archaeological sites and Remains Act, 1958 (24 of 1958);

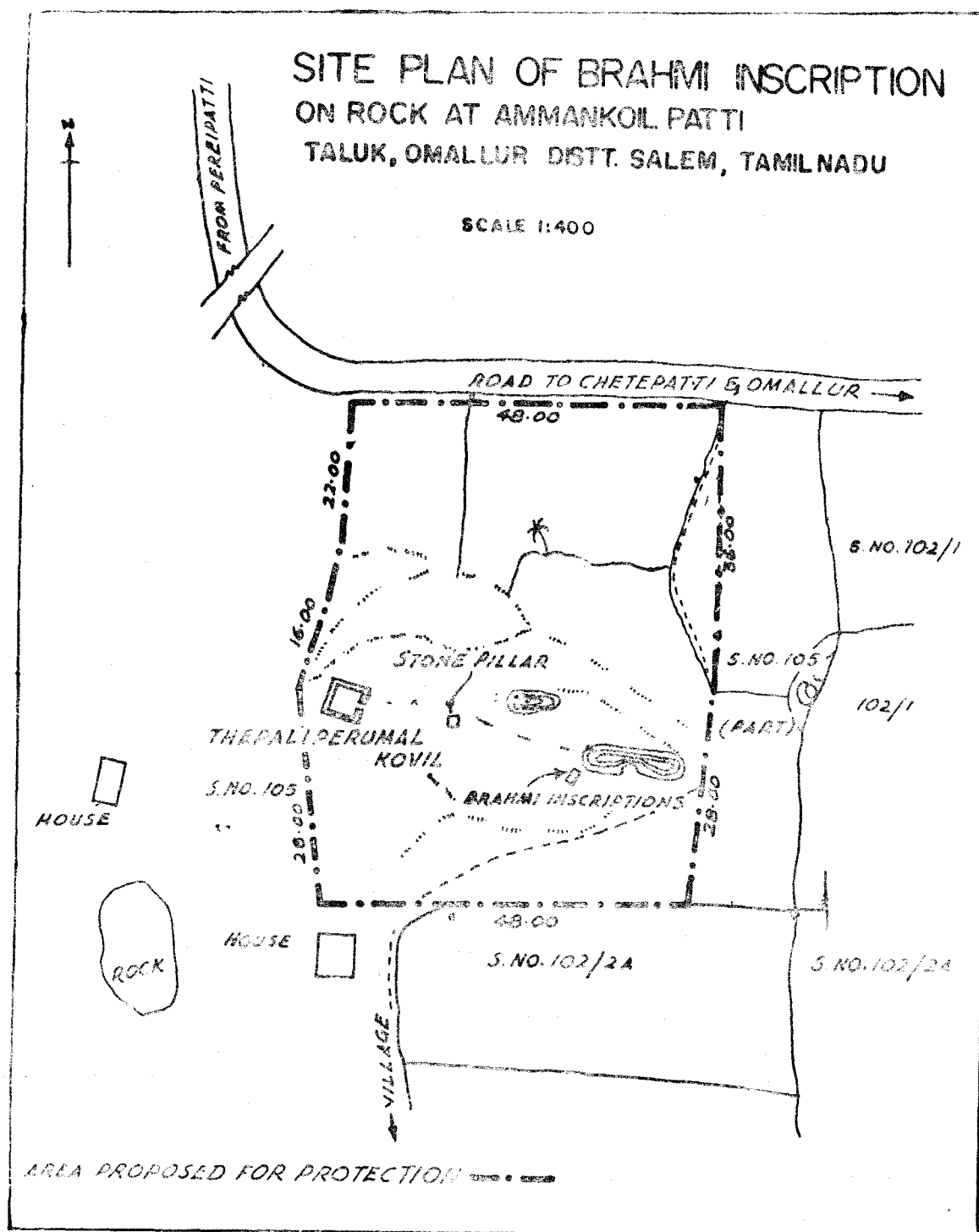
And whereas the said Gazette was made available to the public on 22nd November, 1990;

And whereas no objections from the public has been received by the Central Government;

Now, therefore in exercise of the powers conferred by sub-section 3 of section 4 of the said Act, the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of Monument	Revenue plot numbers included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9
Tamil Nadu	Salem	Ammankovil-patti village Paniaripatti	Brahmi rock inscription	Part of survey plot number 105 as shown in the site plan + reproduced below + Site Plan	0.75 Acre	North : Road East : Remaining portion of survey number 105 South : Survey No. 102/2A and remaining portion of survey number 105 West : Remaining portion of survey number 105	Paramboke	A temple and stone pillar located within area specified under column 5 are not covered under proposed protection.



का.घा. 1549:— केन्द्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातत्त्विक स्थल और अभिलेख अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षानुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं. का.घा. 3050 तारीख 30 अक्टूबर, 1990 द्वारा जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 17 नवम्बर, 1990 में प्रकाशित की गई थी, उक्त अधिसूचना की धनूसूची में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त संस्मारक के समीप सहज दृश्य पर लगा दी गई थी :

और उक्त राजपत्र 22 नवम्बर, 1990 को जनता को उपलब्ध करा दिया गया था ;

और केन्द्रीय सरकार को जनता से कोई आक्षेप प्राप्त नहीं हुआ है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपाबद्ध धनूसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का होना घोषित करती है ।

धनूसूची

राज्य	जिला	परिक्षेत्र	संस्मारक/स्थल का नाम	संरक्षण के लिए शामिल किए जाने वाले राजस्व प्लॉट संख्या	क्षेत्र	सीमाएं
1	2	3	4	5	6	7
मध्य प्रदेश	धार	बास्की	शैलकांतिलमंदिर	नीचे दिए गए स्थल रेखांक में दक्षिण सर्वेक्षण प्लॉट सं. 138/1क/1 का भाग	2.32 हेक्टेयर	उत्तर : सर्वेक्षण प्लॉट संख्यांक 166 पूर्व : सर्वेक्षण प्लॉट संख्यांक 138/1क/1 का शेष भाग दक्षिण : 5 सर्वेक्षण प्लॉट संख्यांक 138/1क/1 का शेष भाग पश्चिम : सर्वेक्षण प्लॉट संख्यांक 138/1क/1 का शेष भाग

स्थानित्व

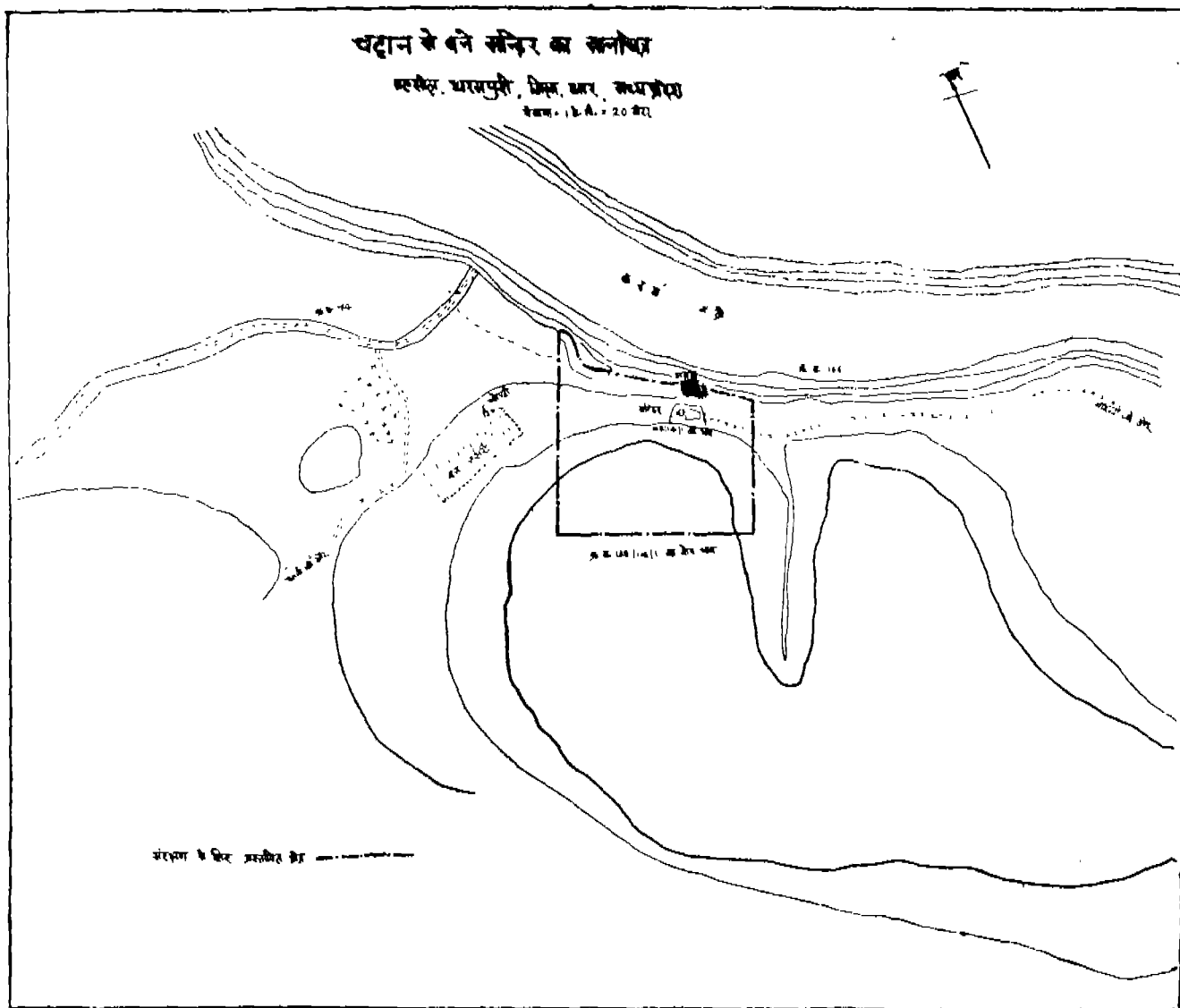
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मध्य प्रदेश सरकार

मानचित्र



[सं. २/२५-८८-एम.]

S.O. 1549.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) No. S.O. 3050, dated the 30th October, 1990 published in the Gazette of India, Part II, section 3, sub-section (ii), dated the 17th November, 1990, the Central Government gave two months notice of its intention to declare the monument specified in the Schedule to the said notification to be of national importance and a copy of the notification was affixed in a conspicuous place near the said monument as required by sub-section (1) of section 4 of

the Ancient Monuments and Archaeological Site and Remains Act, 1958 (24 of 1958);

And whereas the said Gazette was made available to the public on 22nd November, 1990;

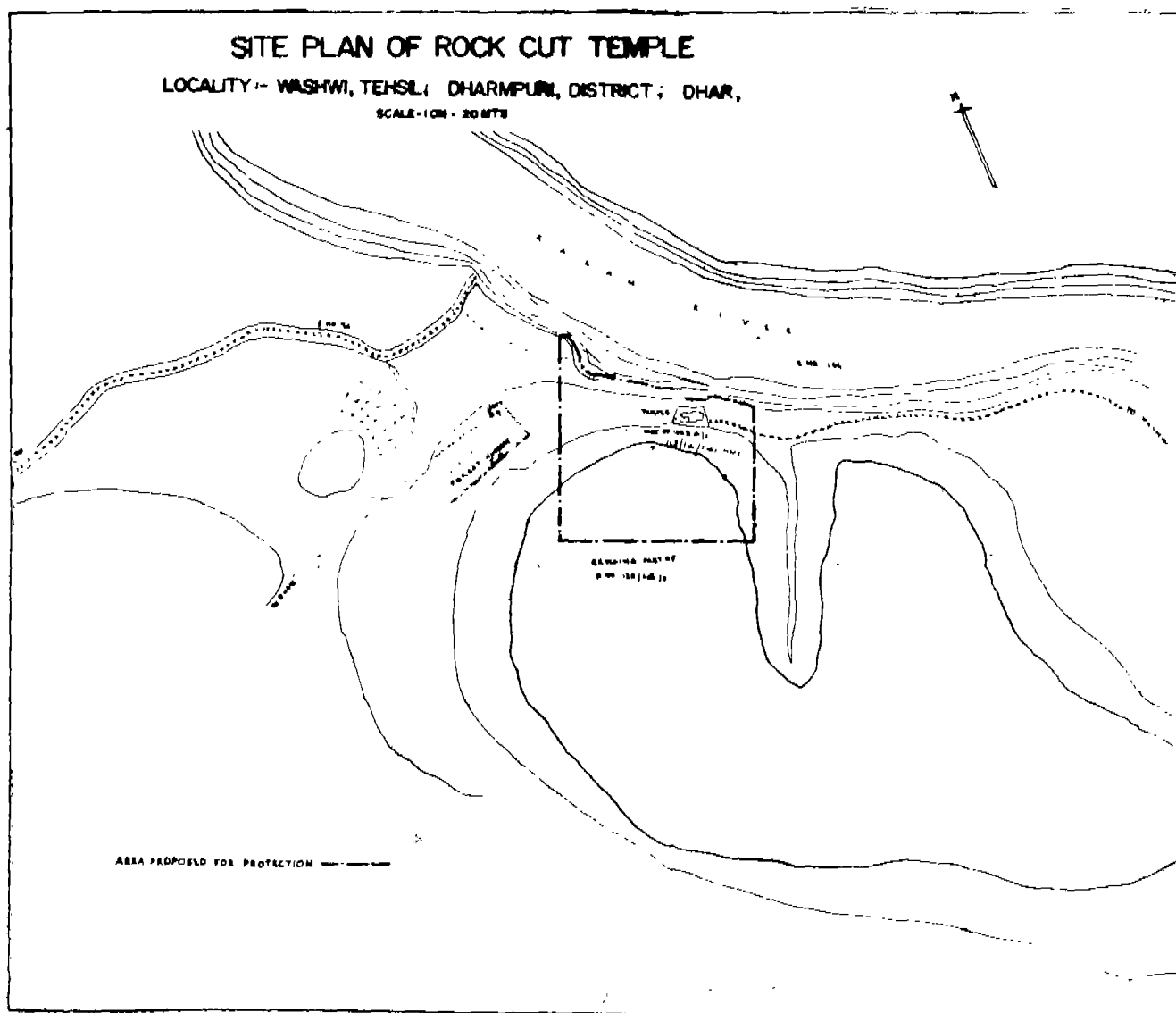
And whereas no objections from the public has been received by the Central Government;

Now, therefore in exercise of the powers conferred by sub-section 3 of section 4 of the said Act, the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of Monument Site	Revenue plot numbers included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9
Madhya Pradesh	Dhar	Wasvi	Rock Cut, Temple	Part of survey plot number 138/1 1/1 as shown in the site plan reproduced below	2.32 Hect.	North : Survey plot number 166 East : Remaining part of survey plot number 138/1 1/1 South : Remaining part of survey plot number 138/1 1/1 West : Remaining part of survey plot number 138/1 1/1	Madhya Pradesh Government	

Site Plan



नई दिल्ली, 27 मई, 1991

का.प्र. 1530.— केन्द्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातात्विक स्थल और धरोहर अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षानुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना संख्या का.प्र. 3048 तारीख 30 अक्टूबर, 1990 द्वारा, जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 17 नवम्बर, 1990 में प्रकाशित की गई थी, उक्त अधिसूचना की धारा 1 में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो माम की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त संस्मारक के समीप सहज दृश्य स्थान पर लगा दी गई थी ;

और उक्त राजपत्र 22 नवम्बर, 1990 की जनता को उपलब्ध करा दिया गया था ;

और केन्द्रीय सरकार को जनता से कोई आक्षेप प्राप्त नहीं हुआ है ।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, इसमें उल्लेख अधिसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का होता घोषित करती है ।

अनुसूची .

राज्य	जिला	परिश्रेत	संस्मारक/स्थल का नाम	संरक्षण के लिए शामिल किए जाने वाले राजस्व प्लॉट संख्या	क्षेत्र	सीमाएं
1	2	3	4	5	6	7
बिहार	सिधौल	जंगदेई	भारत के प्रथम राष्ट्रपति सर्वे प्लॉट नं. 1519, स्व. ज. राजेन्द्र प्रसाद का वैयक्तिक गृह ।	1521, 1522, 1523 और 1524 का भाग जैसा कि नीचे पुनः उद्धृत स्थल रेखांक में दर्शाया गया है ।	0.70 एकड़	उत्तर : सर्वे प्लॉट सं. 152 और 1522 का शेष भाग, पूर्व : सर्वे प्लॉट सं. 1523 और 1524 का शेष भाग; दक्षिण : सर्वे प्लॉट सं. 1525 पश्चिम : सड़क और सर्वे प्लॉट सं. 1519 का शेष भाग ।

सहामित्व

टिप्पणियां

8

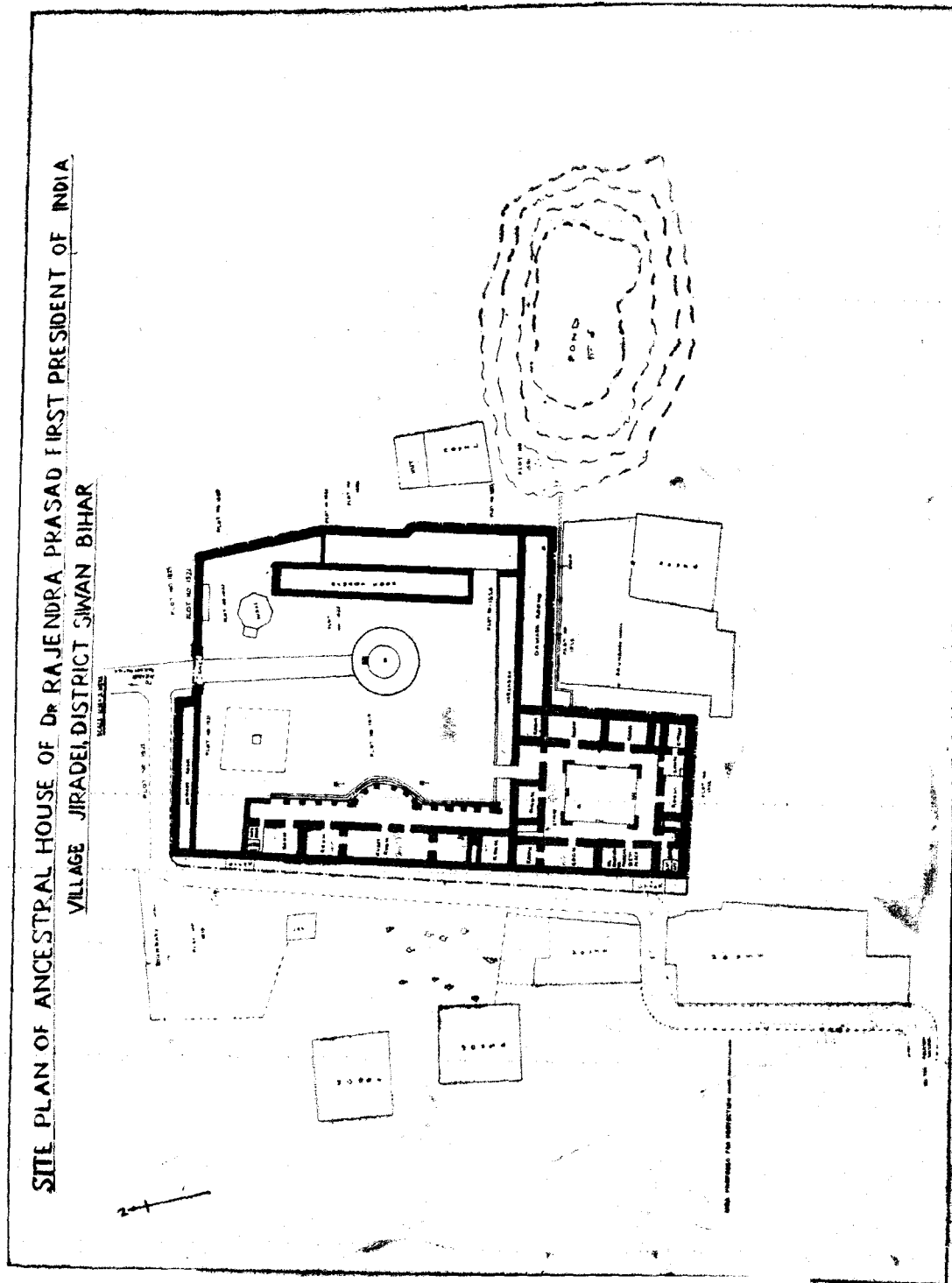
9

प्राप्त

SCHEDULE

State	District	Locality	Name of Monument/ Site	Revenue plot numbers included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9
Bihar	Siwan	Jiradei	Ancestral House of Late Dr. Rajendra Prasad, First President of India.	Part of survey plot numbers 1519, 1521, 1522, 1523 and 1524 as shown in the site plan reproduced below.	0.70 Acres	North : Remaining part of plot numbers 1521 and 1522 ; East : Remaining part of survey plot numbers 1523 and 1524; South : Survey plot number 1525; West : Road and remaining part of survey plot number 1519.	Private	

MAP



नई दिल्ली, 29 मई, 1991

का० मा. 1551:- केन्द्रीय सरकार की यह राय है कि इनसे उवाच्य अनुसूची में विनिर्दिष्ट संस्मारक राष्ट्रीय महत्व का है .

अतः अब, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आण्य दो दो मास की सूचना देती है।

केन्द्रीय सरकार, राजपत्र में इस अधिसूचना के जारी किए जाने की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन संस्मारक से हितवद्ध किसी व्यक्ति से प्राप्त आक्षेप पर विचार करेगी।

अनुसूची

राज्य	जिला	परिक्षेत्र	संस्मारक/स्थल का नाम	संरक्षण के लिए शामिल क्षेत्र किए जाने वाले राजस्व प्लॉट संख्या	नीमार्ग
1	2	3	4	5	6
उत्तर प्रदेश	आगरा	आगरा	सिविल कोर्ट भूहोले में बुरजी (ज्ञानज्ञान कटोरा)	नीचे उद्धृत स्थल रेखांक 1 बिलया में यथा वर्णित के.स. 6 बिलबानो 530 का भाग	उत्तर : के.सं. 530 का शेष भाग पूर्व : के. सं. 530 का शेष भाग दक्षिण : के.सं. 036 में सड़क पश्चिम : के.सं. 530 का शेष भाग

स्वाभिलष

टिप्पणी

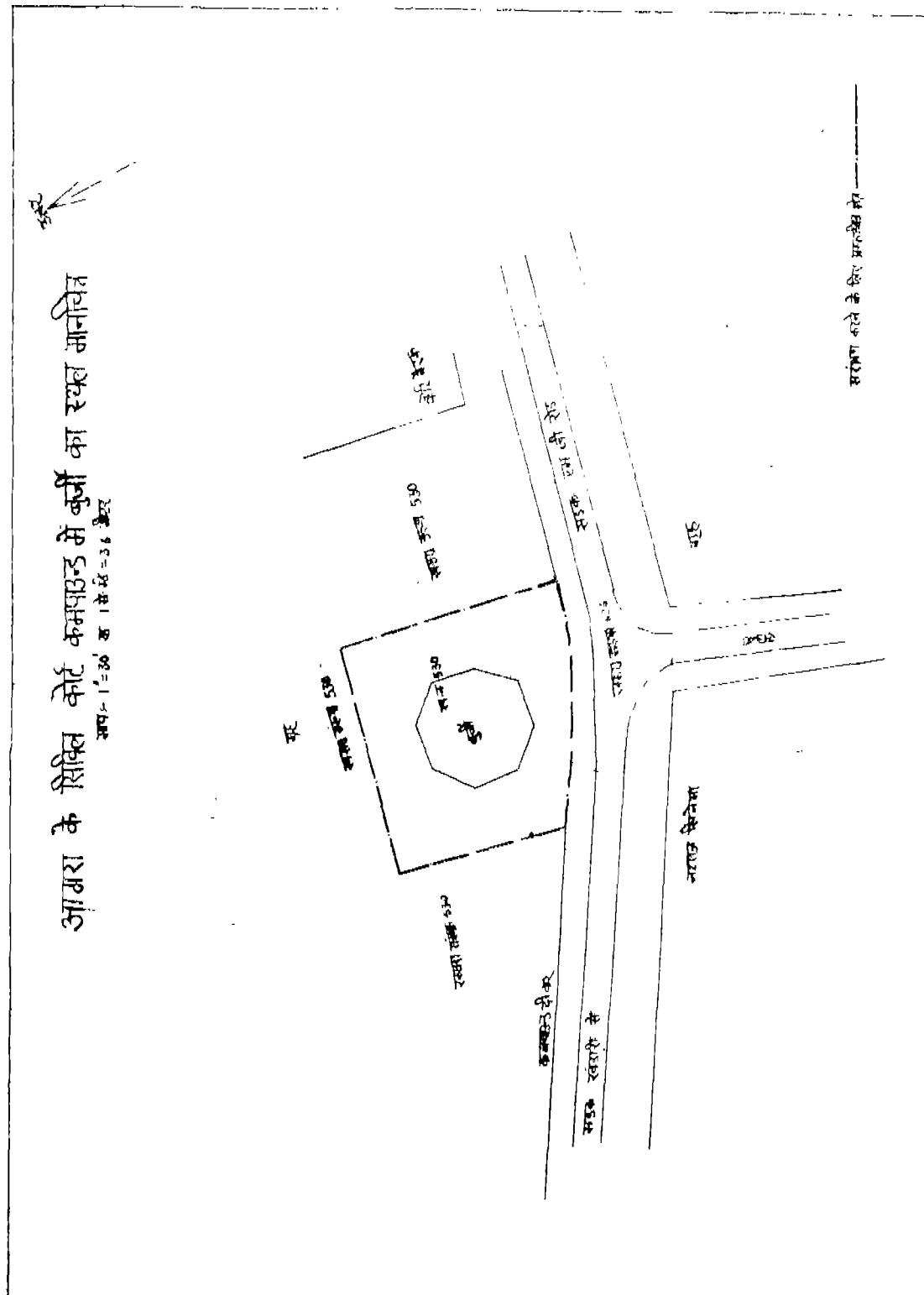
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9

सरभार

मुख्य न्यायाधीश, इस हाबाब उच्च न्यायालय



आमरा के सिविल कोर्ट कमप्लैट में कुर्ची का स्थल मानवित

मप-1' = 30' क. 1 से मी = 3.6 मीटर

[स. 2/38/82- एम.
एम. सो. जिला, मन्त्रालयक]

New Delhi, the 29th May, 1991

S.O. 1551.—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

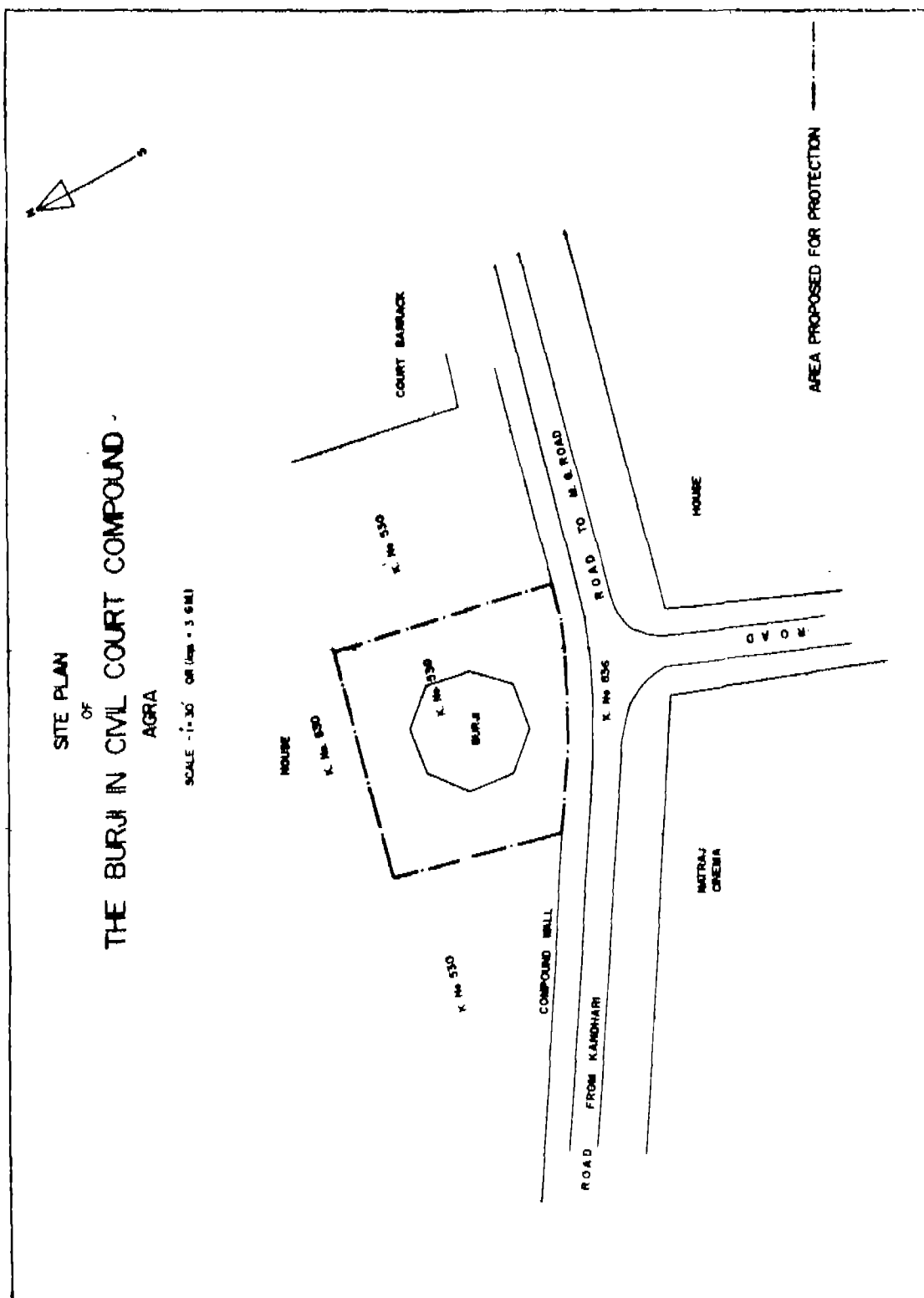
Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and

Remains Act, 1958 (24 of 1958), the Central Government hereby gives two months notice of its intention to declare the said ancient monument to be of national importance.

Any objection which may be received within a period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient monument will be taken into consideration by the Central Government.

SCHEDULE

State	District	Locality	Name of Monument/Site	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9
U.P.	Agra	Agra	Burji in Civil Court compound (Jhan Jhan Katora)	Part of K.No. 530 as shown in the site plan reproduced below.	1 Biswas, 6 Biswani	North : Remaining part of K.No. 530. East : Remaining part of K.No. 530. South : Road in K.No. 636. West : Remaining part of K.No. 530.	Government (Chief Justice of High Court, Allahabad).	



ऊर्जा मंत्रालय

(कोयला विभाग)

नृद्धि पत्र

नई दिल्ली, 14 मई, 1991

का.घा. 1552.—भारत के राजपत्र भाग-2, खंड 3, उपखंड (ii) तारीख 11 अगस्त, 1990 के पृष्ठ 3614 से 3616 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. घा 2114 तारीख 23 जुलाई, 1990 में—

- (1) अधिसूचना में परिच्छेद 3 में "8 अक्टूबर, 1988 से प्रारंभ" के स्थान पर "8 अक्टूबर, 1990 से प्रारंभ" पढ़ें।
- (2) अनुसूची में "बोरबारा ब्लॉक" के स्थान पर "बोडारा ब्लॉक" पढ़ें।

[फा. सं. 43015/8/88-एन. एम. डब्ल्यू.]

का. घा. 1553.—केन्द्रीय सरकार में कोयला धारक क्षेत्र अर्जन और विकास अधिनियम, 1957 (1957 का 20) की धारा 7, उपधारा (1) के अधीन जारी और भारत के राजपत्र भाग 2, खंड 3, उप खंड (ii) पृष्ठ संख्यांक 1396 से 1397 में प्रकाशित भारत सरकार ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना का. घा. 1093 दिनांक 28 अप्रैल, 1990 द्वारा इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने के अपने आशय की सूचना दी थी:—

और केन्द्रीय सरकार की जानकारी में यह बात बार्ड गई कि राजपत्र में प्रकाशित उपरोक्त अधिसूचना में सूत्रण की कुछ गलतियाँ हैं।

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त मध्य बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए उक्त अधिनियम से संलग्न अनुसूची में निम्नलिखित संशोधन करती है:—

पृष्ठ 1396 पर:—

1. अधिसूचना में का. घा "1039" के स्थान पर "1093" पढ़िए।
2. अधिसूचना में टिप्पण 1 में जेई. जे. आर. " के स्थान पर जे. जे. आर." पढ़िए।
3. अनुसूची "क" में "बाणी क्षेत्र" के स्थान पर "बणी क्षेत्र" पढ़िए।
4. अनुसूची में ग्राम का नाम स्थान के नीचे क्र. सं. 2 में "कौन" के स्थान पर "कोना" पढ़िए और तहसील स्वधम के नीचे "बानी" के स्थान पर "बणी" पढ़िए।

पृष्ठ 139 पर:—

5. आगाशी ग्राम में अर्जित किए जाने वाले प्लॉट संख्या में "13/1—13/2—13/3—13/3-13/4 के स्थान पर 13/1/13/2—13/3—13/4 पढ़िए।
6. सीमा वर्णन में रेखा क—ख—ग से 7/3क—8/4, के स्थान पर "7/3क—7/4" पढ़िए।
7. रेखा ग—घ—ड में "ग्राम कोना" के स्थान पर "ग्राम कोना" पढ़िए।

8. रेखा ड—घ—छ—ज "ग्राम गोबारी" के स्थान पर "गोबारी" पढ़िए।

9. अनुसूची "ख" में "बानी क्षेत्र" के स्थान पर "बणी क्षेत्र" पढ़िए।

10. अनुसूची में तहसील स्वधम के नीचे "बानी" के स्थान पर "बणी" पढ़िए और जिला स्वधम के नीचे क्रम संख्या 2 में "बयनमाल" के स्थान पर "बयनमाल" पढ़िए।

11. सीमा वर्णन में रेखा ट-उ-ड में "और तल सावस्ता" के के स्थान पर "और तल सावरला" पढ़िए।

12. रेखा ड—ड—ट और बिन्दु के स्थान पर "और आरंभिक बिन्दु" पढ़िए।

ऐसी भूमि में, जिसकी बाबत उपरोक्त संशोधन जारी किया गया है, हितबद्ध कोई व्यक्ति इस अधिसूचना के जारी किए जाने के तीस दिन के भीतर उक्त भूमि के संपूर्ण या किसी भाग के उक्त ऐसी भूमि में या उस पर किसी अधिकारी के अर्जित किए जाने के विरुद्ध उक्त अधिनियम की धारा 8 की उपधारा (1) के निबंधनों के अनुसार आक्षेप कर सकेगा।

स्पष्टीकरण:—केवल इस अधिसूचना के द्वारा संशोधित प्लॉट संख्याओं की बाबत उक्त अधिनियम की धारा 8(1) के निबंधनों के अनुसार तीन दिन की उक्त अवधि इस अधिसूचना के राजपत्र में प्रकाशित किए जाने की तारीख से आरम्भ होगी।

[फा. सं. 43015/9/88-एन एम डब्ल्यू]

वी. बी. राव, अवसर सचिव

MINISTRY OF ENERGY (Deptt. of Coal)

New Delhi, the 14th May, 1991

S.O.1553.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 1093 dated the 2nd April, 1990, issued under Sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957) and published in part II, section 3, Sub-Section (ii) of the Gazette of India, dated the 28th April, 1990 the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette,

Now therefore in exercise of the Powers conferred by sub-section (1) of section 7 of the said

Act the Central Government hereby amends the Schedule appended to the said notification as follows :—

at page 1398, in line 4 and 5 for “Coal Bearing Area” read “Coal Bearing Areas” in Schedule ‘A’, for “approximately” read “approximate”.

at page 1399, in the boundary description in para A-B-C, in line 4, for “15, 24” read

“15, 23, 24”, under para E-F-G-H, in line 2 for “70, 78” read “77, 78” in para H-I-J-A line 2 for “129, 142, 141” read “129, 141, 142” and line 3, for 4/1-4/1” read “4/1-4/2”.

at Page 1400, in the boundary description in para M-N-K-, for village “Swarla” read “Sawarla”

Any person interested in any land in respect of which the above amendment has been issued, may within thirty days of the issue of this notification, object to the acquisition of the whole or any part of the said land, or any right in or over such land in terms of sub-section (1) of Section 8 of the said Act.

Explanation : In respect of plot numbers being amended through this notification only the said period of thirty days in terms of section 8(1) of the said Act, starts running from the date of publication of this Notification in the Official Gazette.

[No. 43015/9/88-LSW]

B.B. RAO, Under Secy.

कल्याण मंत्रालय

(महिला एवं बाल विकास विभाग)

पूर्ण विन्यास अधिनियम, 1890 (1890 का 6) के मामले में

नई दिल्ली, 15 मई, 1991

राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

क. धा. 1554.—राष्ट्रीय बाल कोष, नई दिल्ली के प्रत्यक्ष बोर्ड द्वारा किए गए आवेदन पर और उनकी सहमति से, पूर्ण विन्यास अधिनियम 1890 (1890 का 6) की धारा 4 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा आदेश देती है कि (33, 86, 033 रु.) तीस लाख छियासी हजार और तीस रु. केवल मात्र) 35 लाख रुपये की छूट कीमत का राशि विजया बैंक, चांदनी चौक, दिल्ली में मॉर्टगेज धाफ डिमांडिबल योजना में 13.5 की ब्याज दर 91 दिनों के लिए निवेश की गई।

भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च 1979 के समय समय पर यथा मंजूरित में धा. 120 (ई) की अधिसूचना के साथ प्रकाशित राष्ट्रीय बालकोष नई दिल्ली के संचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पूर्ण विन्यास के खजाने के नाम होगा।

[सं 13-7/91-टो आर-II]

जी.आर. सुमन, अवर सचिव

MINISTRY OF WELFARE

(Department of Women & Child Development)

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890

[6 of 1890]

New Delhi, the 15th May, 1991

IN THE MATTER OF THE NATIONAL CHILDREN'S FUND, NEW DELHI

S.O. 1554—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi, as in exercise of the powers conferred by Section 4 of the Charitable Endowments Act 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 33,86,033/- (Rupees Thirty three Lakhs Eightysix Thousand and Thirtythree only) discounted value of 35,00,000/- be invested in Certificate of Deposit Scheme for 91 days in Vijaya Bank, Chandni Chowk Branch Delhi at the rate of interest 13.5 and shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi, published with the notification of the Government of India in the then Department of Social Welfare No. S.O. 120(E) dated the 2nd March 1979, as amended from time to time.

[No. 13-7/91—TR II]

G.R. SUMMAN, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 3 मई, 1991

क. धा. 1555.—अनलित (प्रमाणन) नियम, 1983 के नियम 3 के साथ पठित अनलित अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस मंत्रालय की दिनांक 19-3-91 की समसंख्यक अधिसूचना के अधिनियम

में, जहाँ तक कम संख्या 16 पर श्रीमती एन. कालीवरन का संबंध है; केन्द्रीय सरकार श्री पी. भास्करन, जवाहर नगर, त्रिवेन्द्रम को केन्द्रीय फिल्म प्रमाणन बोर्ड के सदस्य के रूप में तत्काल प्रभाव से अगले आदेशों तक नियुक्त करती है।

[फा.सं. 809/1/91-एफ (सी)]

एस. लक्ष्मी नारायणन, संयुक्त सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 3rd May, 1991

S.O.1555.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with Rule 3 of the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's Notification of even number dated 19-2-91 insofar as it relates to Smt. N.Kaleewaran at Sl. No. 16, the Central Government is pleased to appoint Shri P. Bhaskaran, Jawahar Nagar, Trivandrum as member of the Central Board of Film Certification with immediate effect and until further orders.

[File No. 809/1/91-F(C)]

S. LAKSHMI NARAYANAN, Jt. Secy.

जल भूतल परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 16 मई, 1991

का.भा. 1556.—भारतीय अंतर्देशीय जलमार्ग प्राधिकरण अधिनियम, 1985 (1985 का 82वाँ) की धारा 3 की उपधारा (3) में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री एच. ओ. गुप्ता को, भारतीय अंतर्देशीय जलमार्ग प्राधिकरण में 1-5-1991 से अगले आदेश तक के लिए उपाध्यक्ष नियुक्त करती है।

[फा.सं. 4/आई डब्ल्यू टी (12)/89-एन. डब्ल्यू.]

एस. वेलुमणि, अवर सचिव

MINISTRY OF SURFACE TRANSPORT (I.W.T. Wing)

New Delhi, the 16th May, 1991

S.O.1556.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Inland Waterways Authority of India Act, 1985 (82 of 1985), the Central Government, hereby appoints Shri H.O. Gupta as Vice-Chairman, Inland Waterways Authority of India from the forenoon of 1st May, 1991, until further orders.

[F. No. 4-JWT(12)/89-NW]

S. VELUMANI, Under Secy.

1407 GI/91...3

श्रम मंत्रालय

नई दिल्ली, 13 मई, 1991

का.भा. 1557.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेंडेंट आफ पोस्ट आफिस, सिरौही के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 9-5-91 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 13th May, 1991

S.O.1557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Supdt. of Pos Offices, Sirohi and their workmen, which was received by the Central Government on 9-5-91.

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRE-SIDING OFFICER :

CENTRAL GOVT. INDUSTRIAL TRIBUNAL
NEW DELHI

I.D. No. 61/90

IN THE MATTER OF DISPUTE BETWEEN,
Shri Mahendra Singh s/o Sh. Mangal Singh Dabi,
Nayavas No.2, Sirohi

VERSUS

Superintendent,
Post Offices,
Sirohi (Rajasthan)

APPEARANCES : None for the workman.

Sh. Chaggan Lal, Asstt. Suptd. of Post Offices.

AWARD

The Central Government in the Ministry of Labour vide its Order No.L-40012/78/89-D-2(B) dated 31-5-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the postal Deptt. (SPOS, Sirohi) in terminating the Services of Sh. Mahendra Singh s/o Sh. Mangal Singh Dabi Ex. EDEPM w.e.f. 2-3-89 is just and legal ? If not to what relief is the worker concerned entitled and from what date ?"

2. Registered notice were sent to the workman 4-5 times but none appeared on behalf of the workman. A letter dated 21-3-91 was, however, received that the workman was unable to appear in this case due to his poor economic condition

In the absence of any statement of claim and evidence on the file only a No Dispute award could be given in this case for want of prosecution by the parties. Parties are left to bear their own costs.

GANPATI SHARMA, Presiding Officer
6th May, 1991.

[No. L-40012/78/89-D. II (B) (Pt.)]

का.आ. 1558.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अतिरिष्ट इंजीनियर, टेलीकाम सिविल सब डिवीजन जोधपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-5-91 को प्राप्त हुआ था।

S.O. 1558.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Asstt. Engineer, Telcom Civil Sub-Division, Jodhpur and their workmen, which was received by the Central Government on 9-5-91.

ANNEXURE

BEFORE SHRI GANPATI SHARMA PRESID-
ING OFFICER, CENTRAL GOVT. INDUST-
RIAL TRIBUNAL, NEW DELHI

I.D. No.68/89

IN THE MATTER OF DISPUTE BETWEEN :

Shri Sanjay Kagda through the Vice President,
Akhil Bhartiya Safai Mazdoor Congress,
through Naval Basti, Sardar Pura Road 2,
Jodhpur (Raj.)—342001.

Versus

Assistant Engineer,
Telcom Civil Sub-Division,
Jodhpur (Raj.)—342001.

APPEARANCES : None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/54/88-D2(B)

dated nil has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the Assistant Engineer, Telcom Civil Sub-Division, Jodhpur in terminating the services of Shri Sanjay Kagda, casual labour w.e.f. 1-12-87 is just and legal ? If not, to what relief is the concerned worker entitled ?”

2. None is appearing on behalf of any of the parties for the last four dates through registered notices have been sent. It appears that the parties are not interested in contesting the case. No Dispute award is, therefore, passed in this case for want of non-prosecution.

GANPATI SHARMA, Presiding Officer
7th May, 1991

[No. L-40012/54/88-D.II(B)(Pt.)]

नई दिल्ली, 15 मई, 1991

का.आ. 1559.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उत्तर रेलवे फार्म मशीनरी ट्रेनिंग एण्ड टेस्टिंग इंस्टीट्यूट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

New Delhi, the 15th May, 1991

S.O. 1559.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly Farm Machinery Trg & Testing Inst. and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 126/89

NIHAL SINGH Vs. NREM Trading,
Hissar

For the workman : None
For the management : Shri Arun Walia.

AWARD

Central Govt. vide gazette notification No. L-42012/6/88-D.II(B) dated 27th July, 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision :

"Whether the action of the management of Northern Rly. Farm Machinery Training & Testing Institute in terminating the services of Nihal Singh is justified ? If not to what relief the workman concerned is entitled to and from what date ?"

2. On receipt of the reference the notice was issued to the workman but he did not respond and did not put up appearance. Registered letters were issued to the workman repeatedly but the workman did not appear. Thus the reference is returned to the Ministry for want of prosecution. Chandigarh.

ARVIND KUMAR, Presiding Officer

[No.L-42012/6/88-D.II(B)(Pt)]

का.सो. 1560—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसंधान में, केन्द्रीय सरकार दक्षिण रेलवे, मद्रास के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-5-91 को प्राप्त हुआ था।

S.O. 1560.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway, Madras and their workmen, which was received by the Central Government on 10-5-1991.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU
MADRAS

Tuesday, the 26th day of March, 1991

Industrial Dispute No. 83 of 1988

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Southern Railway, Madras-23)

BETWEEN

Thiru M. Thirunavukkarasu, Ex-painter, No. 83, Peleeting Road, Aynavaram, Madras-23.

AND

The Deputy Chief Mechanical Engineer, Carriage and Wagon Workshop, Southern Railway, Perambur, Madras-23.

REFERENCE :

Order No. L-41012/40/87-D.II (B) dated 27-12-88, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday the 21st day of March, 1991 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru G. Justin, Advocate appearing for the workman and of Thiru R. Venugopal, Advocate for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This dispute between the workmen and the management of Southern Railway, Madras arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-41012/40/87-D.II (B), dated 27-12-88 of Ministry of Labour for adjudication of the following issue :

"Whether the management of Carriage and Wagon Workshop, Southern Railway, Perambur, Madras is justified in removing Shri M. Thirunavukkarasu Ex-painter from service with effect from 19-10-81 ? If not to what relief the said workman is entitled to ?"

2. Claim statement is as follows :—

The petitioner was working as a Painter in the Painting Shop, Carriage Works, Perambur in Madras Division of the Southern Railway. On 8-3-79 the petitioner and another co-worker Doraisamy after finishing their work went out of the workshop and purchased painting materials from one paintshop of a private traders situate about 2 furlongs away from the workshop. They received bills for the articles purchased and were walking towards their houses. On the way, they were apprehended by an inspector of Railway Protection Force and 4 other Officers in muffy, were severely beaten and were taken to Railway Protection Force Guard Room. They explained that they had purchased the paints from Private traders but the Protection Force Officers without believing their words obtained confessional statement from the petitioner by using force and threat. The petitioner as well as Doraisamy was separately issued charge sheet dated 29-3-79 alleging that they were each in possession of paint belonging to the respondent's workshop. The petitioner was charged for the possession of 4 litres of paints kept in 5 small tins. The evidence let in by the respondent at the domestic enquiry was not enough to prove the charges. The petitioner was caught along with Doraisamy only outside of the workshop i.e. Paint shop. The domestic enquiry officer who was unable to appreciate the evidence gave wrong findings that the charges are proved. The domestic enquiry officer violated principles of natural justice and rules relating to domestic enquiry. The mahazar prepared by the Protection Force Officer for recovering the tins from the petitioner and the alleged confessional statement given by the petitioner cannot be legally admissible evidence. The petitioner was not warned before he signed the statement that it would be used against him that he was not bound to give any statement. The petitioner's duty at the Workshop ended at 16.30 hours. But he was confronted by the officials only at 17.30 hours. The penalty of dismissing from service is too harsh and disproportionate. Discipline and Appeal Rules have been violated in the conduct of the enquiry

and awarding punishment. The petitioner being a Class-III employee only the General Manager of the respondent has power to pass order of dismissal. Such an order passed by the Deputy Chief Mechanical Engineer of Carriage works is not lawful. The petitioner was not supplied the copy of enquiry proceedings and findings until penalty advise was issued to the petitioner. Thus, petitioner was deprived of opportunity to oppose the findings and the punishment. Therefore this Tribunal may be pleased to declare the order of dismissal from service as illegal and direct the respondent to reinstate the petitioner in service with continuity of service and back wages and all other benefits.

3. In the Counter respondent states as follows :—

The petitioner and Thiru Doraiswamy were not beaten by Railway Protection Force (R.P.F.) Officials while they apprehended them. They were apprehended by the R.P.F. Officials at the Scrap Reclamation Section of the Carriage Works at Perambur. They were brought to South Gate guard room as they were suspected to have illegal possession of paint recovered in the presence of the witnesses. The petitioner himself gave the confessional statement voluntarily admitting the possession of paints belonging to the Carriage works i.e. Railways. The Inspector of R.P.F. gave a report of the Incident to the Deputy Chief Mechanical Engineer, Carriage works. Then a charge memo was issued and petitioner was permitted to have defence helper. The petitioner was permitted to peruse the documents relied on by the prosecution. The petitioner has given a written statement against the charge sheet. The domestic enquiry officer after appreciating the evidence held that the petitioner has been guilty of possession of Railway's property namely, paint. The Disciplinary Authority agreed with the report of the findings of the enquiry officer and confirmed the findings. Finally the petitioner was removed from service with effect from 20-10-1981. The domestic enquiry was conducted in accordance with the discipline and appeal Rules and principles of natural justice. The Deputy Chief Mechanical Engineer of Carriage Works is competent to remove the petitioner a Class-III employee from service. The petitioner was supplied with the enquiry report and the proceedings alongwith the punishment order on 20-10-1981. The Industrial Dispute is liable to be dismissed.

4. Point for determination is :—

Whether the management of Carriage and Wagon Workshop, Southern Railway, Perambur, Madras is justified in removing Thiru M. Thirunavukkarasu, Ex-painter from service with effect from 19-10-81 ? If not to what relief the said workman is entitled to ?

5. The Petitioner Thirunavukkarasu gave evidence as WW-1. For the respondent no oral evidence was given. Exs. M-1 to M-13 have been marked. The petitioner and another worker Doraiswamy were working as Painters in the Painting Shop, Carriage Works, Perambur belonging to the respondent. When the duty hours came to close at 16.30 hours on 8-3-79, a party of Railway Protection Force Officials headed by the Sub-Inspector, Thiru Dorairaj apprehended the petitioner Thirunavukkarasu, WW-1 and Doraiswamy another worker at Scrap Reclamation Section which is a section of Carriage works. Copy of the confession statement given by WW-1 Thirunavukkarasu is marked as Ex. M-8. Recovery Memo or Mahazar under which the Sub Inspector of R.P.F. recovered the articles from the petitioner and also Doraiswamy is marked as Ex. M-9. Based on this recovery and the confession statement, the Inspector of R.P.F. Thiru Benjamin prepared a report and submitted it to Deputy Chief Mechanical Engineer. Copy of this report is attached to Ex. M-9. Thereafter the Deputy Chief Mechanical Engineer prepared the Charge Memo Ex. M-1 alleging that the petitioner was in unlawful possession of railway

property i.e. paint. The details of charge given as annexure are attached to Ex. M-1. WW-1 Thirunavukkarasu gave a long explanation on 19-6-89 which is marked as Ex. M-2. In this explanation, petitioner stated that he did not have paint belonging to the railway but he purchased the paint from private dealer i.e. Ramco Paint Industries, Konnur High Road, Ayanavaram and another shop called N. R. Arumuga Nadar & Co., situate in the same High Road and that he has having cash bills to prove the same. He further alleged that he did not voluntarily give confession statement to Protection Force Officials. But he had signed the dotted lines under coercion. At the domestic enquiry conducted by Rangaswamy (appointed by Deputy Chief Mechanical Engineer) Railway Protection Force-Rakshak Munnir Basha gave evidence as first witness for the prosecution. S. Devadoss gave evidence as witness No. 2. M. Kasi, Charge-man who attested the recovery memo Ex. M-9 was examined as 3rd witnesses. Durairaj, Sub-Inspector of R. P. F. was also examined. All these witnesses have deposed at the domestic enquiry that the petitioner was apprehended at Scrap Reclamation Section that he had possessed paint tins placed in small tins covered in rexine hand bag, that he was taken to South Gate Guard Room of the Railway Protection Force and that the petitioner voluntarily gave a confessional statement. The last part of the confession statement in Ex. M-8 contains entries in the form of question and answer. They reveal that the petitioner was actually warned by the Sub-Inspector that he was not bound to make any confession and that if he gave confession it could be used against him as evidence. The Domestic Enquiry Officer Rangaswamy has appreciated the evidence and found that the petitioner was guilty of possession of one big Amul tin and small Amul-spray tin and another small tin containing paint belonging to the Railways. The petitioner did not produce the alleged cash bills he got from the private traders. The enquiry report which is marked as Ex. M-7 is written in a convincing way. The evidence which the domestic enquiry officer has accepted, is in any reasonable man's view enough to prove the charges. The petitioner's contention that confession statement and the recovery memo cannot be admitted as legal evidence is devoid of substances. When once theft of articles belonging to the respondent is proved the punishment necessarily has to be severe. Removal of the petitioner from service will be suitable punishment fitting the gravity of the misconduct, i.e. theft. I therefore find that the conclusion of the enquiry Officer is correct and that the punishment awarded is just. I uphold contention of the respondent that the Deputy Chief Mechanical Engineer of Carriage Works is entitled to award the punishment.

(6) In the result, award is passed dismissing the dispute. No costs.

Dated, this 26th day of March, 1991.

THIRU M. GOPALASWAMY, Presiding Officer

[No. I-41012/40-87-1, II(B)(Pt.)]

WITNESSES EXAMINED

For Workman :

W. W. 1—Thiru M. Thirunavukkarasu.

For Management :

None.

DOCUMENTS MARKED

For Workman :

Nil.

For Management :

Ex. M-1/30-3-79

Charge sheet issued to Thiru M. Thirunavukkarasu.
(Xerox copy)

M-2/19-6-79

Reply by Thiru M. Thirunavukkarasu to Ext. M-1
(Xerox copy)

M-3/7-6-79

Letter from the Management to Thiru M. Thirunavukkarasu denying to perverse the documents connected with the charge Memo. (Xerox copy)

M-4/7-8-79

Enquiry Proceedings. (Xerox copy)

M-5/24-11-79

Defence statement of Thiru M. Thirunavukkarasu. (Xerox copy)

Ex. M-6/19-10-81

Penalty Advice (Xerox copy)

M-7/23-10-80

Enquiry report (Xerox copy)

M-8/8-3-79

Confessional statement of Thiru M. Thirunavukkarasu. (Xerox copy)

M-9/8-3-79

Recovery memo received from Thiru R. Durairaj. (Xerox copy)

M-10/4-7-79

Order nominating Enquiry Officer. (Xerox copy)

M-11/20-10-81

Acknowledgement for receipt of Enquiry Proceedings and Enquiry Report. (Xerox copy)

M-12/26-9-86

Dismissal order delivered under transferred application No. 514/1986 by the Central Administrative Tribunal, Madras Bench based on the application of Thiru M. Thirunavukkarasu. (Xerox copy)

M-13/18-5-87

Conciliation Failure Report.

का.प्र. 1561.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार रोजनल टेम्पिकाम ट्रेनिंग सेंटर, लखनऊ के प्रबंधन के संबंध में निम्नलिखित निर्णयों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 14-5-91 को प्राप्त हुआ था।

S.O. 1561.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Telecom Trg. Centre, Lucknow and their workmen, which was received by the Central Government on 14th May, 1991.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 175 of 1989

In the matter of dispute between :
Shri Gyan Prakash
House No. 127

Telecom Colony

Sector K, Aliganj

Lucknow.

AND

The Principal,

Regional Telecom. Training Centre,

Vivekanand Puri,

Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-40012/55/88-D-2(B) dated 21st July, 1989, has referred the following dispute for adjudication to this Tribunal :

Whether the Principal, Regional Telecom. Training Centre, Lucknow was justified in terminating the services of Shri Gyan Prakash w.e.f. 31st July, 1987? If not, to what relief the workman was entitled?

2. Workman's case is that he was recruited as unskilled labour by the Principal, Regional Telecom. Training Centre, Lucknow (hereinafter referred to as RTTC), on 29th July, 1985. His services were, however, terminated by one month's notice on the ground of his replacement by better suitable workman. According to the workman his termination is illegal in as much as neither retrenchment compensation was paid to him nor any permission in this regard was taken by the management from the Government. He has, therefore, prayed that he be reinstated in service with full back wages.

3. In defence, the management plead that as there was need of some labour in the Department for the work of installation and other job such as Upkeep of Laboratory Equipment etc., some labours including the workman were engaged. The services of the five junior most workmen including workmen, who had become surplus after the finish of the job were terminated by means of one month's notice. According to the management, permission of Government for terminating their services was not necessary. Retrenchment compensation, if not paid, can be paid now. The management further lead that since Central Government has referred the issue for decision on the point of justification of termination of the service of the workman, the workman cannot raise the point of legality now. In the alternative, if the tribunal finds that the service of the workman had been terminated illegally then instead of ordering his reinstatement he may be awarded some compensation in lieu thereof. Lastly, the management plead that in case of new vacancies of daily rated mazdoors the retrenched employees would be given preference.

4. In this rejoinder, it is alleged by the workman that ever since the establishment of RTTC the management have been employing workmen numbering over 20 on daily wages for rendering services to trainees and Instructors in the office or in hostel. According to him in the present reference the tribunal can look into the question whether or not the termination of his services was illegal.

5. In support of his case, the workman has filed his own affidavit and some documents. On the other hand in support of their case, the management have filed the affidavit of Shri O. P. Mishra AEN and one document.

6. During his submissions Shri D. R. Saxena, the authorised representative for the management has contended that RTTC is not an industry. He said that in the case of Akshaibar Singh Vs. Union of India, the Central Administrative Tribunal has held that Post & Telegraph Department is not an industry. The copy of judgment has not placed before me by him so as to judge the veracity of his submissions. To the absence of these documents, I will have to look into the definition of the term Industry as given in section 2(j) I.D. Act.

7. Section 2(n) Industrial Disputes Act, 1947, defines the term Public Utility Service. Its meaning as per definition includes any postal Telegraph or Telephone Service Tele-Com-

munication is nothing but Telephone. Therefore, when the definition of Public Utility Service is seen in the light of the definition of the term Industry, it will come out that Telecommunication department is nothing but an industry. I, therefore, find no force in the point raised by the management that RTCC is not an industry.

8. In fact the plea raised by the management in para 9 of the written statement has not been properly framed. The real question to be examined appear to be whether or not RTCC is an industry within the meaning of Section 2(j) Industrial Disputes Act. Nothing has been shown to me from which it may be concluded that it is not an industry within the meaning of sec. 2(j) of the Act. So I find no force in this plea.

9. The workman's case is that he had worked as a unskilled workman from 29th July, 1985 to 29th July, 1987. Although this fact has not been specifically denied by the management in their written statement, the fact has been admitted by the management witness in his cross examination.

10. Thus, it stands proved that the workman had worked as a unskilled labour from 29th July, 1985 to 29th July, 1987. In this connection I may add that in his claim statement filed on 10th August, 1989 to which no reference appears in the order issued, it appears that he had worked till 31st July, 1987. This appears to be more reliable when seen in the light of notice dated 30th June, 1987 copy Ext. W-1 which was given by the management to the workman and five others regarding termination of their services. By means of this notice it was made clear that the services of the six workman named in it would stand terminated on the afternoon of 31st July, 1987.

11. Although one month's notice was given to the workman in connection with the termination of his services, it is admitted to the parties that no retrenchment compensation was paid by the management to the workman who had worked for 2 years continuously prior to the date of termination of his services. In view of the provisions of sec. 25 I.D. Act, it was incumbent upon the management to have paid him retrenchment compensation by the time notice given.

12. In the written statement management have come out with the case that retrenchment compensation, if not paid, can be paid now. Even if it is now paid it will not cure the illegality. Sec. 25F I.D. Act requires that while terminating the services of the workman he should be given one month's notice or notice pay and paid retrenchment compensation. The provisions are mandatory. Therefore, the order of termination being in violation of the provisions of section 25F Industrial Disputes Act is void ab-initio.

13. Another point that has been raised in the written statement is that since the question of justification of the order terminating the services of the workman has been referred to the Tribunal, the Tribunal cannot examine the question of legality of the order of termination. I very much disagree with this plea of the management. While determining the question of justification of an order the Tribunal is also called upon to look into its legality.

14. The management have pleaded that instead of reinstatement some compensation be awarded to the workman in case he is able to establish that the order of termination is illegal. In this connection it is further pleaded that in connection with the installation work and other job such as upkeep of laboratory equipment, the department kept some labour including the workman Shri Gyan Prakash. The same fact has been deposed to by the management witness Shri O. P. Mishra, in his affidavit.

14. In his cross examination, the management witness has deposed that in the installation work, the job of the workman was simply to carry goods from one place to another, and to provide goods to the skilled workers. He has also deposed that on the Electronic Photo Copier Machine, Cyclostyle Machine and Electrical Stencil Cutting Machine also he worked as a helper.

11. Now let us have a look on the certificate dated 29th July, 1987 copy Ext. W-2, issued by AEN RTCC. The certificate shows that the workman had worked in the RTCC Lucknow w.e.f. 29th July, 1981 on daily wages as operator for Electronic Photocopier Machine, Cyclostyle Machine and Electronic Stencil Cutting Machine. In the certificate his work & conduct has been described as quite appreciable and most satisfactory. There is no mention of the fact that on these machines he was doing the job of helper. The AEN who issued the said certificate has not been examined by the management witness to explain the certificate & to show that what he actually meant. There is no evidence that these machines have been removed or have stopped working. It means that the job on which the workman was engaged has not come to an end. Reasons given for awarding compensation instead of reinstatement, in the written statement do not find place in the notice dated 30th June, 1987, copy ext. W-1. In the notice the reason given is that since more experienced casual labours have become available it has become necessary to dispense with the services of the six casual labours including the present workman.

16. Thus, no reliance can be placed on the case set up by the management for not granting the relief of reinstatement to the workman. The services of the workman having been dispensed with in violation of the provisions of the Section 25-F I.D. Act, he is entitled to reinstatement in service with full back wages.

17. Held that the action of the management of RTCC, Lucknow in terminating the services of the workman w.e.f. after noon 31st July, 1987 was neither legal nor justified. Consequently the workman is held entitled to his reinstatement in service with full back wages.

18. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. 1-40012/55/88-D-II(B)(Pt.)]

का.प्रा. 1562—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम कारागार के पदवत को प्रकाशित करती है, जो केन्द्रीय सरकार का 14-5-91 को प्राप्त हुआ था।

S.O. 1562.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 14-5-91.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 84 of 1989

In the matter of dispute between :
The Dy. Chief Mechanical Engineer, Uttar Rly. Locomotive Workshop, Charbagh Lucknow.

AND

The Zonal Working President, Uttar Rly. Karamchhari Union, 96/196 Roshan Bajaj Lane, Ganesh Ganj, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41012/18/86/D-II(B) dt. 7th March, 1989, has referred the following dispute for adjudication to this Tribunal :—

Kya Dy. Chief Mechanical Engineer Uttar Rly. Ki Loco Workshop Charbagh Lucknow ke Roler Bearing Anubhag me DSL Fitter Shri Jaswant Singh Ko 31-7-83 se Sewa Se Karyabhar Mukta Karne Ki Karyawahi nyayochit hai ? Yadi Nahi to Sambhaddhit Karmkar Kis Anutosh Ka Haqdar Hai ?

2. The Industrial Dispute on behalf of the workman Shri Jaswant Singh has been raised by Uttar Rly. Karamchari Union (hereinafter referred to as Union for the sake of brevity). The case of the Union is that the workman was retired on 31-7-83, on the presumption that he had attained the age of superannuation. It was done under wrong impression that his date of birth was July 1925. The workman was an Ex Military Staff Released from IEME Training Centre Jabalpur on 8-2-46. At the time of release his age was recorded in the release certificate dt. 8-2-46 as 19 years, meaning thereby that his date of birth falls in 1927 and not in 1925. Prior to his retirement, the workman made representation but to no effect. The Union has, therefore, prayed that the action of the management in retiring the workman be held unjustified and management be directed to pay two years salary for the period 1-8-83 to 31-7-85, with all consequential benefits.

3. The management contested the case and plead that in the Service Roll the date of birth of the workman is recorded as 15-7-85. Therefore, he was rightly retired from service w.e.f. 31-7-83 on attaining the age of superannuation. The workman raised a question with regard to his alleged non recording of date of birth by means of his application dt. 25-11-82. The representation was duly replied by the competent authority vide office letter dt. 22-12-82. At the time of reappointment in railways under DRM Lucknow his date of birth was recorded as 15-7-25 and from the date of his appointment till 1982, he did not make any representation with regard to it. The plea of representation has also been raised by the management.

4. In support of its case, the Union has filed the affidavit of workman and some documents. No evidence, oral or documentary, has been adduced by the management.

5. The Union has filed with the claim statement photostat copy of service certificate of the workman. In it the date of birth of the workman is recorded as 15-7-25 and the period of his service is recorded as from 28-11-61 to 31-7-83. It is ext. W-3.

6. From the side of the Union main reliance has been placed on Ext. W. 4, which is the copy of certificate of service of the workman in IEME. In the certificate which is dated 8-2-46, the date of his discharge is recorded as 22-4-46. At Serial No. 2 it is written that at the time of completion of the form he was aged about 19 years. His date of enrolment against serial no. 1 is noted as 15-7-44. It is on the basis of this very certificate in which the date of birth is nowhere noted specifically. The authorised representative of the Union submits that in April 1946, the workman was only 19 years meaning thereby that he was born some time in 1927 and not in 1925.

7. We have seen above that in the service certificate the date of birth of the workman is noted as 15-7-25. In his cross examination, the workman has stated that as a matter of practice his service record must have been prepared on his reappointment in the railways. He has admitted that on the service record his signatures and thumb impression were obtained. He has tried to meet the case of the management by saying that when his signatures and thumb impressions were obtained, the contents of the service record which were prepared were not read out to him. At that time he was not knowing English. From the above evidence of the workman, it follows that his date of birth must have been recorded in the service record. The presumption will be that until told by him, the official of the railway would not have noted down his date of birth as 15-7-85 in the service record. There is no evidence from the side of the Union that the official who recorded his date of birth in the service record was inimical to him. The burden to prove that his date of birth is 15-7-27 is on the Union/workman. Mere reliance on the certificate of service Ext. W. 4 in which the date of birth is nowhere noted is not sufficient. In the service certificate his educational qualification is written as 5th Class. It is also written that he belongs to village Dehradun P. O. Dehradun.

8. The Union could have proved the date of birth of the workman by filing copy of extract from the birth register or by filing the copy of certificate of the school in which the workman had his education. But as we have seen nothing of this sort has been done by the Union. I fail to understand the hesitation on the part of the Union to file the above two documents.

Even in the claim statement his exact date of birth has not been mentioned specifically. I fail to understand the hitch on the part of the workman to furnish information in this regard to the union. All that is said is that since in the service certificate issued by the Military his age is recorded as 19 years on the date of completion of the form, he should be deemed to have been born in 1927. This also cannot be accepted on its face value. His date of enrolment is noted in the said certificate as 15-7-44. It means that he must have attained the age of 18 years some time before the said date. He would not have been recruited in the military before his having attained the age of 18 years in the normal course. This makes the entry regarding his age on the completion of the form as incorrect.

10. Hence, from the above evidence and circumstance, I hold that the Union has failed to prove by any cogent and reliable evidence that the date of birth of the workman is 15-7-27. His date of birth as given in service record of the railway is taken as correct.

11. Therefore, the action of the management is held as not unjustified. The Union/workman is entitled to no relief.

12. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No L-41012/18/86-D.II(B)(P)]

का.ग्रा 1563—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार उत्तर रेलवे, लखनऊ के प्रबंधन के संबंध में निम्नलिखित शर्तों पर उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O. 1563.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 14th May, 1991.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 35 of 1989

In the matter of dispute between :

The Zonal Working President,

Uttar Railway Karamchari Union,

96/196 Roshan Rajai Lane Ganeshganj,

Lucknow

AND

The Senior Divisional Personnel Officer,

Northern Railway,

Hazratganj, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41012/15/88-D 2(P) dated 23rd January, 1989 has referred the following dispute for adjudication to this Tribunal:—

Whether the action of Sr. D.P.O. N. Rly. Lucknow was justified in terminating the services of Shri Ram Sabad s/o Shri Ram Harak w.e.f. 30th June, 1981, in violation of section 25F of I.D. Act 1947, if not, to what relief the workman was entitled to?

2. The industrial dispute on behalf of the workman Shri Ram Sabad s/o Shri Ram Harak has been raised by Uttar Railway Karamchhari Union (hereinafter referred to as Union), Lucknow.

3. The case of the Union is that the workman was recruited as a Station Porter in 1967 and he had worked as such till 30th June, 1981. The Union alleges that the Screening Test was held in 1979. In the list of candidates the number of working days of the workman was given as 1369. According to the Union from 1972 to 1981, the workman had worked for more than 240 days each year except in 1981 in which year he had worked continuously from 1st January, 1981 to 30th June, 1981. On the after noon of 31st June, 1981, the workman was retrenched from service without notice/notice pay and without payment of retrenchment compensation. It is further alleged by the Union that Screening Tests were held also in 1985 and in 1988 but in the said two tests the workman was not called.

4. Next it is pleaded by the Union that persons junior to the workman were retained in service; and there had also been fresh recruitment of persons. Thus the management violated the provisions of sec. 25F, 25G and 25H of the Industrial Dispute Act, 1947.

5. The case is contested by the management of the Northern Railway, Lucknow. The management plead that the workman had never worked as Station Porter under Station Suptd., Lucknow. He is a fraudulent person who was never recruited as Station porter. Therefore, the reference order is bad in law. The management further plead that there is no post of Zonal Working President in the alleged Union (URKU). Thus in fact there is no valid industrial dispute within the meaning of section 2(k) of the Act.

6. In its rejoinder, the Union alleges that the objections raised by the management that there is no post of Zonal Working President and that there is no valid industrial dispute should have been raised by the management during the conciliation proceedings. The management is now estopped from raising these issues.

7. In support of its case, the Union has filed the affidavit of Shri Ram Sabad and one document. On the other hand, in support of their case, the management have filed two affidavits of Shri Kiran Chandra, Head Clerk in the office of Station Suptd., Lucknow, and some documents.

8. Before I deal with the merits of the case, I would like to refer to the Union's application dated 9th April, 1990, for summoning of documents. The application was disposed of by means of order dated 25th May, 1990. By the said order, the management were directed to produce before the Tribunal Casual labour register of the period 1967—1981 and a list of porters of Lucknow Station which according to the Union was sent by the Station Suptd., Lucknow in 1979 for Screening Test.

9. On 11th September, 1990, the management side produced before the Tribunal six bundles of paid vouchers. Out of them, in 4 bundles, the name of Shri Ram Sabad was not found. In the remaining two bundles, the name of Shri Ram Sabad at serial No. 29 with the following details:—

LAP—6-12 to 19-12-80

P—20-12 to 12-1-81

LAP—13-1 to 15-1-81

In the other bundle, the name of Shri Ram Sabad appeared at page No. 32 with the following details:—

P 16-4 to 30-4-81

Retired on 30-5-81 (a.n.)

The above details therefore go to show that Shri Ram Sabad referred to above in the two bundles of paid vouchers does not in fact refer to Ram Sabad s/o Shri Ram Harak whose name appear in the reference order. Since the order dated 25th May, 1990 was not complied with by the management, the management was directed to comply with the said order by the next date.

10. On 18th January, 1991 the management filed an affidavit of Shri Kiran Chandra Sr. Clerk in the office of Station Suptd., Lucknow. It appears from the contents of the affidavit that the management instead of looking into the nature of order dated 25th May, 1990 passed on the application of the Union dated 4th April, 1990 looked into the application of the Union dated 17th July, 1989, which too was an application for summoning of documents. By means of the said application the Union sought production of casual labour register of the period 1979 to 1981, list of candidates whose names were forwarded for being called for screening test in July 1979, 1985 and 1988, and pay sheet and paid vouchers of Station Porters of the period 1979 to 1981. Thus there was not much difference between the two applications except that by means of application dated 9th April, 1990 the Union sought production of casual labour register of the period 1967 to 1981. Further by means of application dated 9th April, 1990, list of candidates sent by Station Suptd., Lucknow for screening test to be held in 1985 and 1988 were not summoned.

11. In his affidavit Shri Kiran Chandra stated that casual labour register of the period 1979 to 1981 was not available. However with his affidavit he has filed a list of substitutes prepared on the basis of records. As regards to the list of porters alleged to have been sent for the screening test to be held in 1979. He stated that there was no such list as no screening test was held in 1979.

12. Now I deal with the evidence on record. Firstly, there is no documentary evidence on record to prove that Shri Ram Sabad son of Shri Ram Harak ever worked as Porter at Lucknow Railway Station under Station Suptd., Lucknow.

13. In his cross examination the workman has stated that no letter of appointment was ever issued in his name. He has stated that he availed never issued any railway pass during the period of his service. It is also stated by him that he was never called for the screening test. He admits that no document concerning his alleged service has been filed by the Union. He was unable to tell when representations were made by him to the officers. I may state here that in his cross examination he has said that on 1st September, 1981, he was informed by one clerk Shri Zaidi that his services were terminated.

14. In para 5 of his affidavit he has deposed that during 1982 to 1987 he made several representations and he is filing with the affidavit copy of his last representation. It is addressed to Additional DPO N. Rly. Lucknow. It is dated 27th May, 1985. It means that after 27th May, 1985 he has not sent any representation. Facts deposed to by him in para 5 of his affidavit to the contrary are wrong. In this representation there is no reference of his having made any representation on an earlier occasion. This therefore falsifies his testimony that before 27th May, 1985 he made several representations to the railway administration. On the photostat copy of the representation dated 27th May, 1985 there also appears a photostat copy of postal receipt of registration. It is dated 13th June. It is not possible to decipher correctly the year in the postal stamp. During the course of argument this document was not at all referred to by Shri Tewari, the authorised representative for the Union. Should it be taken that the representation dated 27th May, 1985 was immediately sent by registered post on 13th June? Either this postal receipt of registered post is not connected with the representation dated 27th May, 1985 or it is in respect of some other representation. From the postal receipt it can be gathered even if it be said that it related to some other representation who immediately had sent with representation.

15. From the document what can be inferred at the most is that the workman wake up from the deep slumber for the

first time in the middle of 1985. It is stated in this document that on 27th May, 1985 when he came to office he learnt that screening test of station porters presently appointed was going to be held. He therefore prayed that his name be also included in the said list.

16. Now let us examine the veracity of the case set up by the Union on the basis of facts alleged in para 1 of the claim statement. It is alleged that the workman who was recruited as Station Porter in the year 1967 was found to have worked for 1369 days when screening test was held in 1979. It is further alleged that in each year from 1972 to 1981 the workman had worked for more than 240 days except in 1981, in which year he had worked continuously from 1st January, 1981 to 30th June, 1981.

17. Now let us suppose that as per facts alleged by the Union he had worked total for 240 days in each year from 1972 to 1979. In respect of the period 1972 to 1978 he would be entitled to have worked for 1680 days. Further if in 1979 the screening test was held some time in the June or July we can safely add another 120 days working to the figure 1680. The total would come 1800. Thus from 1972 to the middle of 1979 he would be entitled to have worked for 1800 days as against 1309 days to which reference is made in para 1 of the claim statement and it is only when that these number of working days include the number of his working days of the period prior to 1972. It means that there is no truth that in each year from 1972 to 1980 he had worked for more than 240 days. It is no where alleged in the claim statement that his number of working days at the time of screening test held in 1979 were wrongly calculated by the management. The facts thus alleged are contradictory to each other. If this part cannot be relied upon the latter part of the case set up by the Union that he had worked for more than 240 days during the year 1980 and till 30th June, 1981 also cannot be believed specially when there is no documentary evidence to prove this fact. The workman has gone a step further in his cross examination when he says that he was recruited for the first time as Station Porter in 1988 and from then onward till 1981 he had continuously worked.

18. Another important circumstances to be noted in the case is that in his cross examination the workman has stated that during his service period he had never been a member of any Union. He has also stated that even at present he is not a member of any Union. Strangely enough despite that his case has been espoused by Zonal Working President of the Union. During the course of arguments Shri Tewari referred to some of the facts deposed to by one Shri Surai Prasad in his affidavit dated 8th August, 1989. Shri Surai Prasad has not been examined by the Union. Shri Tewari on the basis of this affidavit has contended that in 1981, before the ALC(C) Kanpur, during the conciliation proceeding a settlement had arrived at between the President of the Union and Shri N. K. Rastogi, the then Station Suptd., Lucknow. According to the said settlement it was agreed that all the retrenched workmen will be taken back in service. Since Shri Ram Sabad workman was resident of a distant village the Station Suptd. could not inform him about the settlement with the result that the workman could not come and join. I see no substance in this contention. Firstly no such settlement has been filed and secondly if for any reason the Station Superintendent could not inform the workman, atleast the Union which was deeply interested in the welfare of the workman would have taken the trouble of informing the workman. He remained silent till 1985. Even we are not sure whether or not any representation dated 27th May, 1985 any of which has been annexed by the workman with his affidavit was ever sent to DPO, Northern Railway, Lucknow. There is no evidence of its receipt in the office of D.P.O.

19. In the list of substitutes filed by the management witness with his affidavit the name of the workman no where appears. If he had worked as a substitute porter his name would have surely found place in this list.

20. Thus from the above facts and circumstances, I find that the Union has failed to prove that Shri Ram Sabad son of Shri Ram Harat was ever employed as Station Porter under Station Suptd., Lucknow. In the alternative it is not

proved that he had worked for 240 days or more during the period of 12 months before ending as 30th June, 1981. Having been so the provisions of section 25G, 25F and 25H of the act do not apply.

21. In view of the above findings the reference is decided against the workman/Union.

ARJAN DEV, Presiding Officer

[No. L-41012/5/88-D.II(B)(Pt.)]

का.प्र. 1564.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंतर्गण में, केन्द्रीय सरकार उपमण्डल अधिकारी (टेलीफोन्स) ऋषिकेश के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारों के बीच, अंतर्गण में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O. 1564.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO (Telephones) Rishikesh and their workmen, which was received by the Central Government on 14th May, 1991.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Tribunal Dispute No. 136 of 1989

IN THE MATTER OF DISPUTE BETWEEN :

Shri Rajendra Singh Rawat,
C/o Shri Hari Singh Negi,
DGBR Road Near Ankur Oas Agency,
Rishikesh, Dehradun.

AND

Upmandal Adhikari (Telephones)
Rishikesh,

District Dehradun.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-40012/103/88-D-2(B) dated 24th May, 1989, has referred the following dispute for adjudication to this Tribunal :

Kya Upmandal Adhikari (Telephones) Rishikesh ka Shri Rajendra Singh Rawat Mazdoor ko dinank 1st February, 1988 se sewa se nikalna Nyavochit hai? Yadi nahi to karmkar kis anutosh ka adhikari hai?

2. Workman's case in brief is that he was engaged as a daily rated casual worker in June 1985 and his services were illegally terminated in violation of the provisions of sec. 25F I.D. Act w.e.f. 1st February, 1988. He alleges that he had been paid wages at the rate of Rs. 12 paise 50 per day when he ought to have been paid wages at the rate of Rs. 28.25 paise per day. He has, therefore, prayed that the management be directed to reinstatement him and pay him full back wages.

3. In defence the management plea that the workman was engaged as a daily rated casual labour in July 1985 and his services were legally terminated in February, 1988 i.e. w.e.f. 1st February, 1988 after giving him one month's notice dated 21st December, 1987. On 31st January, 1988 he was offered retrenchment compensation but he refused to accept the same. Therefore on 2nd February, 1988, the amount was remitted by money order to the workman who refused to accept it. The management further pleads that the workman was engaged on temporary basis with the clear understanding that

when his services would be no longer required his services would be terminated. The management deny that the workman had been paid wages at the rate of Rs. 12.50 per day. According to the management the workman had been paid arrears of wages amounting to Rs. 7358.35 paise. Thus the workman has no case on this count against the management.

3. In his rejoinder the workman denies that the workman was ever served with any notice dated 21st December, 1987. He also denies that retrenchment compensation was ever offered to him by the management on 31st January, 1988. Again he denies that he ever refused to accept any money remitted to him by money order by the management. According to him his retrenchment compensation amounted to Rs. 127125 paise. The workman has then challenged the order of termination of his services on the ground that it is violative of section 25N of the Act.

4. In support of his case, the workman has filed his own affidavit and some documents. On the other hand, in support of their case the management have filed the affidavit of Shri Murari Singh SDO(T) and some documents.

5. In his pleadings the workman has set up the case that he was engaged as a daily rated casual labour in June, 1985, however in para 3 of his affidavit he has admitted that he was engaged as such in July, 1985. In this connection it is also relevant to refer to the copy of certificate dt. 19th May, 1988 issued by SDO(T) Rishikesh, conv Ext. W. 1. The document is admitted by the management. The total number of working days given in it show that in July 1985 he had worked for 31 days, meaning thereby that he started working as daily as daily rated casual labour on 1st July 1985. According to it is held that he was engaged as DRCL by the management on 1st July, 1985.

6. There is no dispute about the fact that the services of the workman stood terminated w.e.f. 1st February, 1988. The workman has assailed his termination on the ground of violation of the provisions of sec. 25F & 25N of the Industrial Disputes Act, 1947, but the challenge on ground of violation of sec. 25N has not been pressed during the course of arguments on behalf of the workman.

7. For the purposes of examining the question whether or not there was compliance of sec. 25F of the Act, the two things are to be seen. Firstly we have to see whether the workman was given one month's notice of termination and secondly we have to see that retrenchment compensation in the manner laid down in section 25F was paid to him before the expiry of notice.

8. The copy of notice on which reliance has been placed by the management has been filed with the written statement. It is annexure II. Copy of it has also been filed by the management witness with his affidavit. The notice shows the names of such daily rated casual labour who had received it. Among these casual labours the name of the workman does not appear. Even when questioned about its service, the workman during his cross examination expressed his ignorance about any such notice. It appears from the statement of the workman in his cross examination, that he had been working under his father Shri Nachan Singh who was posted as Muster Officer in the Telegraph Department. Whatever may be the case it is not pressed that the notice was served on the workman.

9. On the second point the management have set up the case that on 21st January, 1988, 15 days wages by way of retrenchment compensation were offered to the workman who refused to accept the same whereupon on 3rd February, 1988, the amount was remitted by money order which was received back as unpaid.

10. The management witness has corroborated it and has filed photostat copy of the certificate given by the postal authorities with regard to remittance of Rs. 186.75 paise as retrenchment compensation. Both the facts have been denied by the workman.

11. In view of oath against oath, the question will have to be examined in the light of circumstances. Annexure 4 to the affidavit is the photostat copy of money order coupon. In the space meant for communication it is written as follows:—

15 days wages of Shri Rajendra Singh Rawat casual labour dispensed from the Muster Roll.

Thus we find that there is no mention of the fact that the amount of retrenchment compensation was being remitted by money order on account of workman's refusal to accept the same on 31st January, 1988.

12. Ext. W. 2 is the copy of letter dated 7th July, 1988 from the SDO(T) Rishikesh to the workman. Although in it there is a mention to the fact about giving of notice, there is no mention of the fact that retrenchment compensation was offered to the workman by hand on 31st January, 1988 and he had refused to accept the same. I, therefore, find no substance in the plea raised by the management that retrenchment compensation was offered by hand to the workman on 31st January, 1988. It appears that only after the expiry of the period of notice it was realised by the management that retrenchment compensation had not been paid to the workman.

13. Now let us see what should have been the quantum of retrenchment compensation, it should have been 15 days or one month's. From the details given in the verified copy Ext. W. 2 it appears that during the period July 1985 to June 1986 the workman had worked for 186 days and during the period July 1986 to June 1987 he had worked for 173 days, total 657 days. If this working is examined in the light of the provisions of section 25F(b) I.D. Act, then the workman ought to have been paid retrenchment compensation equivalent to wages for one month's, which was not done in the instant case.

14. Lastly, I come to the point as to at what rate the workman should have been paid wages. Ext. M. 1 is the copy of statement showing payments of arrears of wages amounting to Rs. 7358.35 paise to the workman. It shows that in respect of the period 5th February, 1986 to 30th June, 1986 he had been paid wages at rate of Rs. 25 per day, during the period 1st July, 1986 to 31st December, 1986 he had been paid wages at the rate of 26 per day and during the period 1st April, 1987 to 29th February, 1988 he had been paid wages at the rate of Rs. 28.25 paise per day. The formal proof of the document have been waived by the auth. representative for the workman. At the time of arguments Shri Murari Singh SDO(T) produced before the Tribunal the General Manager Telecom Lucknow, letter dated 22nd February, 1988 showing old and new rates w.e.f. 5th February, 1986. After seeing the said letter Shri O. P. Mathur did not dispute the rate at which the workman had been paid wages. The matter therefore ends.

15. Held that the action of the management in terminating the service of the workman w.e.f. 1st February, 1988 was neither legal nor justified. The workman is consequently entitled to reinstatement with full back wages. Since he is getting the relief on account of non compliance of full provisions of sec. 25F I.D. Act the period w.e.f. 1st February, 1988 till the date of his reinstatement will not be counted towards seniority. It will be open to the management to dispense with the services of the workman after making full compliance of the provisions of section 25 I.D. Act.

16. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-40012/103/88-D.II(B)(Pt.)]

का.प्र. 1585.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ब्रह्मवर्त केन्द्र लखनऊ के प्रबंधन के संबंध में निदेशित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O.1565.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Doordarshan Kendra Lucknow and their workmen, which was received by the Central Government on 14-5-91.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.
Industrial Tribunal Dispute No 39 of 1989
IN THE MATTER OF DISPUTE BETWEEN:
Shri Vijay Kumar Verma
Care of Shri M Shakeel
1, Abdul Aziz Lane, Lucknow
AND
The Director
Doordarshan Kendra
5 Meerai Bai Marg
Lucknow

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-42012/139/87-D-II (B) dt. 1-2-89 has referred the following dispute for adjudication to this Tribunal :—

Kya Nideshak Doordarshan Kendra Lucknow Ki Shri Vijay Kumar Verma Ki Sewayein 31-1-87 se samapt karney ki Karwai nyayochit hai ? Yadi Nahi to Karmkar kis anutosh ka haqdar hai ?

2. The workman's case in short is that he was appointed by the management as Classe IV category worker at their Doordarshan Kendra Lucknow on 24-9-84. The management took from him the work of peon/chowkidar/khitmadgar/messenger. He alleges that with malafide the management took work for 14 days in a month and during the remaining 14 days the management instead of taking work from him, took work from new hands, although during these 14 days, he always attended the office and offered his services for work. The workman and the Union of which he was a member made a representation to the management against the said unfair labour practice and demanded regularisation of his services on the ground that he had completed 240 days of continuous service in a year. Upon that his services were terminated w.e.f. 31-1-87, without notice and without payment of retrenchment compensation. After the termination of his service, the management appointed new hands on the post of peon/farash chowkidar, messenger etc., without giving him any chance. He therefore, alleges that the order of termination of his services is illegal. He prays that he be reinstated in service with full back wages and continuity of service.

3. The case is contested by the management. The management lead that the workman was engaged from time to time for a few days purely for doing casual nature of work. Hence he is not entitled to any notice or notice pay and retrenchment compensation. The management further plead that Doordarshan is not an Industry.

4. The Union has filed a writ petition in the Hon'ble High Court of Allahabad Lucknow Bench in which the main point for determination is whether or not Doordarshan is an Industry. As such, adjudication of dispute referred to by the Central Government cannot be done until issue of a negative order by the Hon'ble High Court. Moreover, the facts of the case have already been brought to the notice of the Secretary, Ministry of Labour, New Delhi.

5. In its rejoinder, the Union alleges that the workman had worked for more than 240 days in a year. The Central Government has not made the reference order for adjudication of the point whether or not Doordarshan is an Industry. With regard to the Writ Petition to which reference has been made by the management in the written statement, the Union alleges that the said writ petition is in any way connected with the question of termination of the services of the workman. While passing interim order in the said writ petition, Hon'ble Mr. Justice U C Srivastava observed that so far as relief (a) is concerned there is no bar for the petitioner to approach Central Government for referring the matter to the Industrial Court during the pendency of the writ petition. The copy of the interim order has been annexed by the management with the written statement.

6. In support of his case the workman has examined himself and has filed a number of documents. On the other hand, in support of their case the management have filed the affidavit of Shri Krishna Kumar Programme Executive and have filed some documents.

7. The first point to be determined in the case is whether Doordarshan is an Industry within the meaning of section 2(j) of the Act, or not. On this point I have not much to say. I simply refer to the copy of interim order dt. 13-4-88 passed by Hon'ble Mr. Justice U.C. Srivastava, in Writ Petition No 7390/87 Doordarshan Karamchari Congress and another Vs Doordarshan Kendra Lucknow & others. The copy of the said order has been filed by the management with their written statement. His Lordship made the following observation in the order—

So far as relief (a) is concerned there is no bar for the petitioners to approach Central Govt. for referring the matter to the Industrial Court during the pendency of the Writ Petition.

Unless His Lordship had been of the view that Doordarshan is an industry, such an observation would not have been made by his Lordship. So this point is decided by me against the management.

8. The second point which need consideration is whether or not the workman had worked for 240 days during the period of 12 months preceding the date of termination of his service.

9. In para 1 of his affidavit the workman has deposed that he had already worked for 240 days continuously in a year before the termination of his services. In his cross examination he says that from the date of his appointment in October, 1984 till 31-1-87, he worked continuously. On account of ill health for a few days (20—22 days) in 1985, he remained absent. In his further cross examination he says that the management took work from him some times for 15 days in a month, some times for 20 days in a month and some times for 25 days in a month. If the man of these three figures is taken then it will come out that atleast he had done work for 240 days during the period of 12 months preceding the date of termination of his services. But the above evidence given by the workman cannot be relied upon. It is not worthy of credence. It appears that he has tried to improve his case as set up by him in the claim statement with a view to show that he had worked for 240 days during the period of one year preceding the date of his termination. In this connection it will be relevant to refer to the following lines appearing in para 45 of his claim statement—

That due to malafide intention, the management already taken work for 14 days in a month and in remaining 14 days work was not taken by him and new hands allowed

to work inspite of the fact that every 14 days in a month the workman always attended the office and offer his services for work.....

Thus his original case was that he had worked for 14 days in a month and if he is taken to have worked for 14 days or even 15 days in a month the total number of working days would come to 180 in a year i.e. much less than 240 days.

10. His testimony can be tested even from the photostat copies of attendance register, filed by him. They are document nos. 7 and 8 of the list of documents dt. 20-4-90. Ext. W.7 is the copy of Attendance Register from December 1985 to August, 1985 and Ext. W.8 is the copy of Attendance Register from Jan. 1986 to September 1986. In the list of documents they are described as copies of Attendance Register of the period January, 1985 to Sept. 1985 and December, 1985. Before we find out as to for how many days he had actually worked, it will be pertaining to mention here that two persons, one Shri Vijay Kumar Verma and one Vijay Kumar Yadav are found named in the attendance register. What I mean to say is that they are two different persons and that the attendance of Shri Vijay Kumar Yadav should not be taken into account while counting the number of days of the workman Shri Vijay Kumar Verma.

11. From the two documents the following period of working of the workman comes out—

Period	Number of working days.
1. 16-6-86 to 30-6-86	14
2. 15-7-86 to 31-7-86	15
3. 16-8-86 to 31-8-86	15
4. Not legible but appears to be for the period 1-5-86 to 15-5-86.	14

The documentary evidence which has even been adduced by the workman also does not substantiate his version that he had worked for 240 days in 1986.

12. Having failed to show that he had worked for 240 days or more during the period of 12 months preceding date of termination of his services, the question of giving of any notice to him or payment to him of notice pay and retrenchment compensation does not arise at all. Thus there was no violation of the provisions of sec. 25 Industrial Disputes Act, 1947. Rules 77 and 78 of I.D. Central Rules 1957 referring to the maintenance of seniority list and offering of job to retrenched employees apply only when the workman is found to have worked for not less than one year before the termination of his services within the meaning of section 25B I.D. Act.

13. Before I part with this case I must observe that the case has been badly contested from the side of the management although the management have engaged an advocate. In the written statement, it is not found stated when the workman was appointed for how many days he had worked and when his services were terminated. These details are even missing from the affidavit of the management witness.

14. Hence it is held that the action of the Director, Doordarshan Kendra in terminating the services of the workman w.e.f. 31-7-87 cannot be held as unjustified. Accordingly, the workman is entitled to no relief.

15. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-42012/139/8 7-D.II (B) (Pt.)

का.पा. 1566.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बूरदर्शन केन्द्र लखनऊ के प्रबंधक के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O. 1566.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Doordarshan Kendra, Lucknow and their workmen, which was received by the Central Government on 14-5-91.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT. PANDU NAGAR, KANPUR
Industrial Dispute No 32 of 1989

In The Matter of Dispute Between :
The President
Doordarshan Karamchari Congress,
Abdul Aziz Lane
Lucknow.

AND

The Director
Doordarshan Kendra
5 Mirabai Marg
Lucknow

AWARD :

1. The Central Government, Ministry of Labour, vide its notification no. L-42011/8/88-D2(B) dt. 3rd January, 1989, has referred the following dispute for adjudication to this Tribunal :—

Whether the Director Doordarshan Kendra, Lucknow was justified in terminating the services of S/Shri Izhar Ahmad, Ashok Tripathi, Shiv Kumar Srivastava and Shri Munna w.e.f. 1-8-1987. If not, what relief the workmen concerned were entitled ?

2. The industrial dispute on behalf of the 4 workmen named in the reference order has been raised by Doordarshan Karamchari Congress (hereinafter referred to as Union). The case of the Union in short is that S/Shri Izhar Ahmad, Shiv Kumar Srivastava, and Munna were appointed by the management of Door Darshan Kendra as Floor Assistants on daily rate basis in 1985 and the fourth workman, namely Shri Ashok Kumar Tripathi was appointed some time in 1977. They had worked through out during 1985 and 1986, but later on due to mala fide intention, the management allowed them to work only for 15 days in rotation and some times after a gap of 10 days, they were again allowed to work. Although these workmen attended the office from 10 a.m. to 5 p.m. on every work day, their services were terminated w.e.f. 1-8-87 without notice and without payment of retrenchment compensation. The union alleges that the management have already regularised the services of their counter part on the post of floor assistant inspite of the fact that they were junior to those 4 workmen. The Union has, therefore, prayed for their reinstatement with full back wages and continuity of their services.

3. The case is contested by the management. The management plead that these four workmen were engaged from time to time for a few days purely for doing casual nature of work. Hence they were not entitled to any notice or notice pay and retrenchment compensation. The management further pleaded that Doordarshan is not an industry.

4. The Union has already filed a writ petition in the Hon'ble High Court of Allahabad Lucknow Bench in which the main point for determination is whether or not Doordarshan is an Industry. As such, adjudication of dispute referred to by the Central Government cannot be done until issue of a negative order by the Hon'ble High Court. Moreover, the facts of the case have already been brought to the notice of the Secretary, Ministry of Labour, New Delhi.

5. In its rejoinder, the Union alleges that all the 4 workmen had worked for more than 240 days in a year. The Central Government has not made the reference order for adjudication of the point whether or not Doordarshan is an Industry. With regard to the Writ Petition to which reference has been made by the management in the written statement, the Union alleges that the said writ petition is not in anyway connected with the question of termination of the services of these four workmen. While passing interim order dt. 13-4-88, during the said writ petition, Hon'ble Mr Justice U.C. Srivastava observed that so far as relief (a) is concerned there is no bar for the petitioner to approach the Central Government for referring the matter to the Industrial Court during the pendency of the writ petition, the copy of the interim order has been annexed by the management with the written statement.

6. In support of their respective cases both sides have led oral as well as documentary evidence. The Union has examined the workman other than Shri Ashok Tripathi. On the other hand, the management have examined Shri Krishna Kumar Programme Executive Officer.

7. In their affidavits the workmen namely S/Shri Izhar Ahmad, Shiv Kumar Srivastava and Munna have deposed that they had already worked for 240 days continuously in a year before termination of their services.

8. In his cross examination Shri Shiv Kumar has deposed that he was appointed on 13-1-85. In the beginning he used to be booked for 15 days. He used to get work some times for 18 days and some times for 24 days in a month. It means that on an average he had worked for 21 days in a month. This would mean that during the period of 12 months preceding the date of termination of his services he had worked for about 252 days.

9. Shri Izhar Ahmad has deposed in his cross examination that he was appointed on 12-10-84, and had worked till 1-8-87, it appears from his statement that he did not get work continuously, some times he worked for 15 days in a month, some times for 20 days in a month and some times for full month. If an average of number of working days is taken out, he would be found to have worked for 260 days during the period of one year preceding the date of termination of his services.

10. Shri Munna in his cross examination has deposed that he was appointed on 26-12-84. According to him some times he got work for 15 days in a month, some times for 20 days in a month and some times for 24 days in a month. By taking an average it will come out that he had worked for 240 days during the period of 12 months preceding the date of termination of his services. There is absolutely no evidence from the side of the Union about the 4th workman namely Shri Ashok Tripathi. It has come in the evidence of the above named workmen who have been examined in the court that they were

not given any notice nor they were paid any retrenchment compensation. There is no evidence in rebuttal. Having worked for 240 days or more during the period of 12 months preceding the date of termination of their services and having not been given any notice or notice pay nor paid retrenchment compensation, in case, Doordarshan is held as Industry within the meaning of sec.2(j) I.D. Act, 1947, the management would be deemed to have violated the mandatory provisions of section 25 F.I.D. Act, rendering their termination as void abinitio. In their written statement the management have nowhere stated when these four workmen were appointed, for how many days, each one of them had worked and when their services were terminated. In the written statement the only emphasis is on the point that the Doordarshan is not an Industry. Moreover the management witness has kept silent on the above point. Thus the evidence of the Union remains un rebutted.

11. Now crucial question for determination is whether or not Doordarshan is an Industry. No material has been placed in this regard by the management. As observed above the management have filed with the written statement the copy of interim order dt. 13-4-88 passed by Hon'ble Mr. Justice U.C. Srivastava in Writ No. 739 of 1987 Doordarshan Karamchhari Congress and another Vs. Doordarshan Kendra Lucknow and others. Towards the end the Hon'ble Judge has observed as follows :—

So far as relief (a) is concerned there is no bar for the petitioner to approach the Central Government for referring the matter to the Industrial Court during the pendency of the Writ Petition.

The above observation could have been made only if the Hon'ble Judge had taken Doordarshan as an industry, referring so far as these casual labour appointed as Floor Assistants are concerned.

12. Since the order of termination has been found to be void abinitio in respect of workmen other than Shri Ashok Tripathi it is held that these workmen namely S/Shri Izhar Ahmad, Shiv Kumar Srivastava and Munna are entitled to reinstatement with full back wages.

13. In this case the Union moved an application for interim relief on behalf of the four workmen on 10-1-91. With this application the Union filed the copy of order dt. 5-10-90 passed by the Central Administrative Tribunal Principal Bench New Delhi Registration (OA) No 563 of 1986, 977 of 1986 and 2514 of 1989, The Principal Bench issued a direction to the Union Government and the Director General Doordarshan New Delhi to frame a rational scheme (a) for regularisation of the daily rated casual workers (described as casual artists) in regular cadre and (b) terms and conditions for engagement of daily rated casual employees in future and their absorption in due-course. The Principal Bench also directed that no recruitment on the aforesaid posts would take place till such a scheme is submitted or accepted by the court as far as possible unless recruitment is confined only to daily rated casual workers (called casual artists by the Doordarshan Kendra as engaged in the past. From the body of the judgment it appears that casual artists also cover floor assistants. So terms and conditions of the four workmen in future will be governed by the scheme which is ultimately to be submitted by the management.

14. The reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-42011/8/88-D.II(B) (pt.)]
K.V.B. UNNY, Desk Officer

नई दिल्ली, 16 मई, 1991

का.पा. 1567.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, जबलपुर (म.प्र.) के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

New Delhi, the 16th May, 1991

S.O. 1567.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly, Jabalpur and their workmen, which was received by the Central Government on 15-5-91.

ANNEXURE

Before Shri V.N. Shukla, Presiding Officer, Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur (M.P.)

Case No. CGIT/LC(R) (110)/1989

PARTIES :

Employer in relation to the management of D.R.M. Central Railway, Jabalpur and their workman Shri Devraj Sampat, Station Porter represented through Shri R.S. Pathak, Secretary, Central Railway Karamchhari Sangh, 45, Raja Gokuldas Dharamshala, Jabalpur (M.P.)

APPEARANCES :

For Workman None
For Management Shri S.K. Mishra, Advocate

INDUSTRY : Railways DISTRICT : Jabalpur (M.P.)

AWARD

Dated : May 2nd, 1991

The Central Government in the Ministry of Labour vide its Notification No. L-41012/13/88-D.II(B) dated 19th May, 1989 referred the following dispute to this Tribunal, for adjudication :—

"Whether the action of the Divisional Railway Manager, Central Railway, Jabalpur (M.P.) in removing the services of Shri Devraj Sampat, Station Porter with effect from 30-10-84 is justified? If not, to what relief the workman is entitled?"

2. It appears that at the instance of the Union, Central Railway Karamchhari Sangh, Jabalpur, the dispute has been referred to this Tribunal after failure of conciliation proceedings. But after the matter was referred to this Tribunal neither the workman nor his Union took interest in prosecuting the case, nor filed any statement of claim. Management has also not filed any statement of claim.

3. The case is pending since 30-5-1989 without any progress. It appears that the workman has no interest in the case. I therefore record a no dispute award and make no order as to costs.

V.N. SHUKLA, Presiding Officer
[No. L-41012/13/88-D.II(B)(Pt.)]

का.पा. 1567.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, जबलपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

करण, जबलपुर के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

S.O. 1568.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly. Jabalpur and their workmen, which was received by the Central Government on 15-5-91.

ANNEXURE

Before Shri V.N. Shukla, Presiding Officer,

Central Government Industrial Tribunal-cum-Labour Court
Jabalpur (M.P.)

CASE NO. CGIT/LC(R)/231/1989.

PARTIES :

Employers in relation to the management of Central Railway, Jabalpur (M.P.)—482001 and their workman, Shri Dashmiram S/o Shri Sumaru, Casual Khalasi, represented through Shri R.S. Pathak, Secretary, Madhya Rail Karamchhari Sangh, Station Road, Katni, Distt. Jabalpur (M.P.)

APPEARANCES :

For Workman .. None.
For Management .. Shri S.K. Mishra, Advocate.

INDUSTRY : Railways DISTRICT : Jabalpur (M.P.)

AWARD

Dated : May 2nd, 1991

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-41012/72/88-D-II(B) Dated 23-10-1989 for adjudication of the following dispute :—

"Whether the action of the management of Central Railway Jabalpur (M.P.) in removing Shri Dashmiram S/o Sumari, Casual Khalasi from service with effect from 19-4-87 is justified? If not, to what relief the workman concerned is entitled?"

2. In this case no statement of claim has been filed by the parties.

3. The case was registered on 16-11-1989, but nobody even appeared in behalf of the workman for last seven proceedings despite repeated notices were issued to the workman. It appears that the workman has no interest in the case.

4. In the circumstances I record a No Dispute Award in the case and make no order as to costs.

V.N. SHUKLA, Presiding Officer
[No. L-41012/72/88-D.II(B)(Pt.)]

का.पा. 1569.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकाम डिस्ट्रिक्ट इंजीनियर, रायपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

S.O. 1539. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Distt. Engineer, Raipur and their workmen, which was received by the Central Government on 15-5-91.

ANNEXURE

Before Shri V.N. Shukla, Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
Jabalpur (M.P.)

CASE NO. CGIT/LC(R)(120)/1989

PARTIES :

Employers in relation to Telephone District Engineer, Raipur and their 44 workmen named in the Annexure to the Schedule, represented through the Divisional Secretary, All India Telegraph Engineering Employees Union, Line Staff & Class IV Group D, Telecom Building Raipur (M.P.)—492001.

APPEARANCES :

For Workmen : None.
For Management : Shri J. Chaudhary,
Advocate

INDUSTRY : Telephone DISTRICT : Raipur (M.P.)

AWARD

Dated : May 2nd, 1991

“Whether the action of the management of Telecom Distt. Engineer, Raipur in terminating the services of workers (as per list ‘A’ given below) w.e.f. 20-5-88 and not considering them for retension in service for absorption in future permanent posts, is justified and legal? If not to what relief the workmen concerned are entitled?”

List of workmen involved in the dispute.

S/Shri

- | | |
|-----------------------|---------------------|
| 1. Narayan | 23. Akal Lal |
| 2. Harilal | 24. Kumar |
| 3. Panch Ram | 25. Chandrapal |
| 4. Tekram | 26. Kamal Narayan |
| 5. Kamta Prasad | 27. Bansilal |
| 6. Ishwara Prasad | 28. Shyam Sunder |
| 7. Shyamlal | 29. Ram Krishna |
| 8. Bansilal | 30. Vishwanath |
| 9. Ramnath S/o Bhagwa | 31. Ramji Bodhan |
| 10. Ramnath | 32. Ganga Ram |
| 11. Thukaram | 33. Shatrughan |
| 12. Raja Ram | 34. Ashok |
| 13. Tirath Ram | 35. Rajendra |
| 14. Ramadhar | 36. Manoj Kumar |
| 15. Bharatlal | 37. Chaitram |
| 16. Jagdbandhu | 38. Kamal Narain |
| 17. Ganshyam | 39. Manharan |
| 18. Sudesh Kumar | 40. Nandu Nirmalkar |
| 19. Durgesh Kumar | 41. Uma Shanker |
| 20. Bharat Singh | 42. Yashwant |
| 21. Tufan Singh | 43. Ramnath Tularam |
| 22. Tulsiram | 44. Arun Kumar. |

The above matter of dispute has been referred to this Tribunal by the Central Government for adjudication vide Notification

No. L-40011/14/88-D-2(B) Dated 6th June, 1989. Th reference is with respect to the termination of 44 workmen named above.

2. On receipt of the reference order several notices were issued to the parties but neither party filed their respective statement of claim. Even the Union which sponsored the dispute took no pain to contest the dispute of 44 workmen concerned and remained absent in the last nine dates fixed for the purpose. Therefore it appears that neither the Union nor the workmen concerned have any interest in the case. No dispute award is therefore passed. No order as to costs.

V.N. SHUKLA, Presiding Officer

[No. L-40011/14/88-D.II(B)Pt.)]

का.अ. 1570.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रेलवे इलेक्ट्रिफिकेशन, भोपाल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

S.O. 1570 : In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Railway Electrification, Bhopal and their workmen, which was received by the Central Government on 15-5-91.

ANNEXURE

BEFORE SHRI V.N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/LC(R) (85)/1988

PARTIES:

Employers in relation to the management of Chief Electrical Engineer, Railway Electrification, Railway Colony, Chandwad Side of Railway Station, Bhopal and their workman Shri Har Prasad S/o Shri Chotelal, Behind Virhaghat Chungi, East Colony Railway, Bhopal (M.P.)

APPEARANCES:

For Workman : None.
For Management : Shri S.K. Mishra,
Advocate.

INDUSTRY : Railways

DISTRICT : Bhopal (M.P.)

AWARD

Dated May 2, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-41012/84/87-D-II(B) dated 5-8-1988, for adjudication of the following dispute:—

“Whether the action of the Divisional Electrical Engineer, Railway Electrification, Bhopal in removing Shri Har Prasad S/o Shri Chotelal, Driver vide letter No. D-Y-D- E E/I.R. B.P.L/E-5, dated 28-1-87 is justified? If not, to what relief the workman is entitled?”

2. In this case management has filled its statement of claim. The workman has not filed his statement of claim inspite of notice

3. This case was registered on 12-8-1988, but nobody never appeared on behalf of the workman for the last 12 proceedings

despite repeated notices issued to the workman. As already stated above, no statement of claim has been filed till this date on behalf of the workman. Therefore it appears that the workman has no interest in the case. I therefore record a no dispute award and make no order as to costs.

V.N. SHUKLA, Presiding Officer
[No. L-41012 /84/87-D. II (B) (Pt.)]

नई दिल्ली, 21 मई 1991

का.भा. 1571.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) संपर्क, जम्मू के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

New Delhi, the 21st May, 1991

S.O. 1571.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (Proj) Sampark, Jammu and their workmen, which was received by the Central Government on the 13-5-91.

ANNEXURE
BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH.

CASE NO I.D. 34/88

Kaushal Parshad Vs. GREF
For the workman : A.S. Matan.
For the management: Shri D.P. Gupta

AWARD,

Central Govt. vide Gazette notification No. L-14012/27/87-D. II (B) dated 21st July 1988 issued U/S 10 (1) (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision:

"Whether the action of the Chief Engineer (Project) Sampark, Shastri Nagar, Jammu in transferring Shri Kaushal Parshad Mate from DET Chakrohi to Baribrahma is justified? If not, to what relief the workman is entitled to?"

2. As per the detail order passed in I.D. 97/90 in the connected reference the present reference is returned to the Ministry for want of jurisdiction.

Chandigarh

ARVIND KUMAR, Presiding Officer
[No. L-14012/27/87-D. II (B) (Pt.)]

का.भा. 1572.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) संपर्क, जम्मू के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O. 1572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers,

in relation to the management of Chief Engineer (Proj) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE
BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBU-
NAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I.D. 35/88

Ram Parshad & others Vs. GREF
For the workman: Shri A.S. Matan
For the management: Shri D.P. Gupta.

AWARD:

Central Govt. vide gazette notification No. 14011/10/87-D - II (B) dated 21st July 1988 issued U/S 10 (1) (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision:

"Whether the action of the Chief Engineer (Project) Sampark Shastri Nagar Jammu in denying the wages to the workers from 1-5-87 to 19-6-87 is justified? If not, to what relief the workmen are entitled and from which date?"

2. As per the detail order passed in I.D. 97/90 in the Connected reference the present reference is returned to Ministry for want of jurisdiction.
Chandigarh.

ARVIND KUMAR, Presiding Officer
[No. L-14011/10/87-D. II (B) (Pt.)]

का.भा. 1573.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) संपर्क, जम्मू के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O. 1573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (Proj.) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE
BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBU-
NAL-CUM-LABOUR COURT, CHANDIGARH

I.D. NO. 26/88

Shri Sham Lal Vs. GREF
For the workman : Shri A.S. Matan.
For the management: Shri D.P. Gupta

AWARD

Central Govt. vide gazette notification No. L-14012/30/87-D. II (B) dated 21st July 1988 issued U/S 10 (1) (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision:

"Whether the action of the Chief Engineer (Project) Sampark, Jammu in denying the regularisation and wages to Shri Sham Lal son of Shri Inder Ram C.P.L. with effect

from 17-3-1987 is justified? If not to what relief the workman is entitled and from what date?"

2. As per the detail order passed in I.D. 97/90 in the connected reference the present reference is returned to the Ministry for want of jurisdiction.

Chandigarh ARVIND KUMAR, Presiding Officer,
[No. L-14012/30/87-D. II (B) (Pt.)]

का.प्र. 1574.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) संपर्क, जम्मू के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O. 1574 :— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (Proj.) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH.

CASE NO. I.D. 37/88

Hari Chand & others Vs. GREF
For the workman: Shri A.S. Matan.
For the management: Shri D.P. Gupta.

AWARD:

Central Govt. vide gazette notification No. L-14011/5/87-D-II (B) dated 21st July, 1988 issued U/S 10 (1) (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision:

"Whether the action of Chief Engineer (Project) Sampark GREF Jammu in terminating the services of the workman is justified? If not to what relief the workmen concerned entitled to and from what date?"

2. As per the detail order passed in connected reference No. I.D. 97/90 the present reference is returned to the ministry for want of jurisdiction.

Chandigarh.

ARVIND KUMAR, Presiding Officer.
[No. L-14011/5/87-D. II (B) (Pt.)]

का.प्र. 1575.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) संपर्क, जम्मू के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O. 1575.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (Project) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-91.

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tion to the management of Chief Engineer (Proj.) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH
CASE No. I.D. 38/88

Ajit Ram & Others Vs. GREF
For the workman Shri A.S. Matan
For the Management Shri D.P. Gupta

AWARD:

Central Govt. vide gazette notification No. L-14011/9/87-D-II(B) dated 21st July 1988 issued U/S10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision:

"Whether the action Chief Engineer (Project) in terminating the services of Ajit Ram and 19 others is justified? If not to what relief the workmen are entitled to and from what date?"

2. As per detail order passed in connected reference No. I.D.97/90, the present reference is returned to the Ministry for want of jurisdiction.

Chandigarh

ARVIND KUMAR, Presiding Officer
[No. L-14011/9/87-D-II(B)(pt.)]

का.प्र. 1576.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) संपर्क, जम्मू के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O. 1576.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Eng. (Proj.) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-1991.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER CENTRAL GOVT., INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 39/88

Madan Lal & Others Vs. GREF
For the workmen Shri A.S. Matan
For the management : Shri D.P. Gupta

AWARD

Central Govt. vide gazette notification No. L-14001/12/87-D-II(E) dated 21st July 1988 issued U/S 10(1) (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decisions:

"Whether the action of Chief Engineer (Project) Sampark GREF Jammu in reducing the post of Mason of Sarvshri Madan Lal, Lohar, Kirpa Ram Lohar and Ajit Raj is justified? Resulting in reducing of his pay w.e.f. 1-6-1987 from Rs. 540/- to Rs. 405/- If not, to what relief the workman concerned is entitled and from what date?"

2. As per the detail order passed in connected reference No. I.D.97/90, the present reference is returned to the ministry for want of jurisdiction.

Chandigarh

ARVIND KUMAR, Presiding Officer
[No. L-14011/12/87-D-II(B)(Pt.)]

का.आ. 1577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) संपर्क के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 13-5-91 को प्राप्त हुआ था।

S.O. 1577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (Proj.) Sampark, and their workmen, which was received by the Central Government on 13-5-1991.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. No. 40/88

BAWA RAM & Others Vs. GREF

For the workman Shri A.S. Matan
For the management Shri D.P. Gupta

AWARD

Central Govt. vide gazette notification No. L-14011/6/87-D-II(E) dated 20th July 1988 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following disputes to this Tribunal for decision:

"Whether the action of Chief Engineer, Project Sampark in terminating the services of S/Shri Bawa Ram, Rachhapal Singh, Anil Chander, Vijay Kumar, Mela Ram, Subhash Chander, Ravul Chander and Kharaiti Lal C.P. Labour is justified? If not to what relief the concerned workmen entitled to and from what date?"

2. As per the detail order passed in I.D. No. 97/90 in the connect reference, the present reference is returned to the Ministry for want of jurisdiction.

Chandigarh.

ARVIND KUMAR, Pr. siding Officer
[No. L-14011/6/87-D-II(B)(Pt.)]

का.आ. 1578.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) संपर्क के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 13-5-91 को प्राप्त हुआ था।

S.O. 1578.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Eng. (Proj.), Sampark and their workmen, which was received by the Central Government on 13-5-1991

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

I.D. No. 97/90

Workmen Vs. Project Sampark

For the workman : As. S. Matan

For the management : Mr. D.P. Gupta with M.R. Pal

AWARD

Central Govt. vide Gazette notification No. L-14011/2/90/D-2(B) dated 27/7/90 issued U/s 10(1)(d) of the I.D. Act 1947 referred the following dispute to this tribunal for decision.

"Whether the action of the Chief Engineer, Project Sampark C/o 56 APO in retrenching 24 employees at his establishment Western Base workshop, pathankot w.e.f. 1 & 12.89 legal and justified? If not, to what relief the concerned workmen are entitled and from what date?"

2. With this order following reference are also dispose off which involves common questions of law on the point of jurisdiction:—

Sr.	Case No.	Parties name
1.	ID 34/88	Kaushal Parsad Vs. G.R.E.F.
2.	ID 35/88	Workmen Vs. GREF
3.	ID 36/88	Sham Lal Vs. GREF
4.	ID 37/88	Workmen Vs. GREF
5.	ID 38/88	Ajit Ram Vs. GREF
6.	ID 39/88	Madan Lal & Ors. Vs. GREF
7.	ID 40/88	Bawa Ram & Ors. Vs. GREF
8.	ID 109/89	Workmen Vs. Project Sampark
9.	ID 158/89	Tarsem Lal Vs. Project Sampark
10.	ID 159/89	Kasturi Lal Vs. Proj. Sampark
11.	ID 161/89	Kamal Singh & Ors. Vs. Project Sampark

The facts of the references are that the petitioners had been working in the border Road Organisation named GREF. They raised industrial disputes against their termination/regularisation which are pending in this Court. However the respondent/GREF moved an application regarding maintainability of the references in this Court on the ground that GREF is not an industrial establishment or undertaking and its activities can not be treated to be an 'industry' and consequent thereof present Court has got no jurisdiction entertaining such references. It was also pleaded in the application that section 2(j) of I.D. Act as amended by Act 46 of 1982 lays down vide its amended S.c. 2(i) (ii) (b) (6) that the word 'industry' does not include any activity of the Govt. relating to the sovereign functions and the reliance has been placed on the judgement of Punjab & Haryana High Court in Civil Writ petition No. 5130/85 decided on 10-5-1990, AIR 1978 SC, page

548 Bangalore Water Supply Vs. Rajappa and AIR 1953 S.C. 58 D.N. Banerji Vs. P.R. Mukharjee. It is also pleaded that in view of the judgement of the Punjab & Haryana High Court General Reserve Engineer Force can not be treated as industrial establishment or undertaking or its activities can not be treated as industrial. On the same analogy disputes pertaining to employer and employees of the department can not be treated as industrial disputes. It was also pleaded that in view of the judgement of Punjab & Haryana High Court the present references are not maintainable and needs outright rejections for want of jurisdiction.

3. Notices of this application was issued to the petitioners. However the reply has been filed in the present case and in the connected references written arguments have been filed. In reply it was pleaded that even if GREF is integral part of Army such establishment of Armed Forces which are not engaged in the sovereign functions are industry. Even in the Army and Armed forces there are establishment which are not directly involved in the performance of Sovereign functions. Base workshop where the workers work is an Engg. Organisation for the repair of vehicle equipments etc. and such functions are non-sovereign in character and its workers are the industrial workers and industrial dispute act is applicable. It was also pleaded that the judgement passed by the Hon' Punjab & Haryana High Court in CWP No. 5130/85 is under challenge in L.P.A. No. 1010 of 1990. Upon the application of the management for the dismissal of the references raised by the workmen outrightly for want of jurisdiction and maintainability, the question arises "whether the GREF is not an industry. Secondly whether this Court has got no jurisdiction to try these industrial disputes". The petitioners have submitted written arguments in which it has been pleaded that the petitioners are primarily governed under the industrial Disputes Act, 1947 or under general law the employees has to choose either way and it has been decided by the Hon' Supreme Court of India as well as other Courts of India that employees choose one form for redressal of grievances. He relied upon PLR 1982 page 717. It was argued that paramount functions of the 'GREF' are to construct and maintain the Borders Roads and in discharging such duties they employ labour and of migrated labour, and such activities of constructions are not of sovereign nature so activities of the 'GREF' so far relating to constructions and maintenance of the roads are not of sovereign nature. It was also argued in the written arguments that workmen have been working years together but still known as casual labourer. It was also argued that activities on which GREF is employed are 'industrial activities' and fall within the ambit of Industry. It was also argued that the judgement of the Punjab & Haryana High Court is not binding on the State of J & K. It was also argued that the fact is that there is no change in the definition of 'Industry' so far on which Punjab & Haryana High Court has relied and decided the issue.

4. The management in their arguments have relied upon the judgement of the Punjab & Haryana High Court passed in Civil Writ Petition No. 5130/85 decided by Hon. Mr. Justice M.R. Agnihotri on 10-5-1990. I have gone through the written arguments advanced by the petitioners and arguments advanced by the management and the judgements cited by the parties. The matter was at length consideration before the Punjab & Haryana High Court in Civil Writ Petition No. 5130/85 one directly on the issue in which it has been held that 'GREF' being the integral part of armed forces governed by the Army Act is not covered under the definition of 'Industry' within the meaning of Section 2(j) of the I.D. Act 1947 since the very nature of the duties required

to be performed by the two sets of personnel, casual as against pioneers, and their qualification, manner of recruitment etc are different the question of their being equated for the purpose of wages, etc. does not arise nor is there any violation of article 14 or 16 of the Constitution as the petitioners do not fall in the category of 'Pioneer', which form a class by themselves. The authorities cited by the petitioners are no avail to them as the same are applicable only to the cases where the employer happens to be an 'industry' and not an organisation like 'GREF'.

5. The arguments advanced by the petitioners that the authority of Punjab & Haryana High Court is not applicable to the State of J&K as no legs to stand and rejected outrightly.

6. Another plea raised by the petitioners that against this judgement letter Patent Appeal has been filed which is admitted is also does not help the petitioners at this stage because they had not produced any order of the Hon High Court staying the operation of the judgement passed in CWP 5130/85.

7. Judgement passed in CWP 5130/85 is fully enforced and applicable in the present case and therefore following this decision it can easily be held that GREF is not an 'Industry' and consequent present court has no jurisdiction to try these reference and the same are returned to the Ministry for want of jurisdiction.

Chandigarh ARVIND KUMAR, Presiding Officer
[No. L-14011/2/90-D.II (B) (Pt)]

का. घा. 1579 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) सम्पर्क जम्मू के प्रबंधन के संबंध में निपटारे और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकटित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O. 1570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employees in relation to the management of Chief Eng. (Proj.) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL CUM-LABOUR COURT,
CHANDIGARH

I.D. No. 109/89

Workmen Vs. Chief Engineer (Project) Sampark.
For the workman : Shri A.S. Matan.
For the management : Shri D.P. Gupta

AWARD

Central Govt. vide gazette notification No. L-14011/6/88-7-II (B) dated 24th July 1989 issued U/S 10(1)(a) of the I.D. Act 1947 referred the following dispute to this Tribunal for decisions :

"Whether the action of the Chief Engineer (Project) Sampark Shastrinagar, Jammu, in denying the payment of wages equal to the wage payable to their direct departmental employee to the C.P. Labourer is justified ? If not, to what relief the workmen are entitled and from what date."

2. As per the detailed order passed in connected reference No. 90/90 the present reference is returned to the Ministry for want of jurisdiction.

Chandigarh ARVIND KUMAR, Presiding Officer
[No. L-14011/6/88-D.II (B) (Pt)]

का. भा. 1580.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) सम्पर्क जम्मू के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O.1580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (Proj.) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH
Case No. I.D. 158/89

Tarsem Lal Vs. Chief Engineer (Project) Sampark.
For the workman : Shri A.S. Matan.
For the management : Shri D.P. Gupta.

AWARD

Central Govt. vide gazette notification No. L-14012/12/89-IR(DU) dated 5th October 1989 issued under Section 10(1) d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision :

"Whether the action of the Chief Engineer (Project) Sampark, Jammu in reducing Shri Tarsem Lal son of Shri Chhaju Ram in the rank from manson to Labour and reducing his pay from Rs. 600/- to 450/- per month w.e.f. March 1986 onwards is justified? If not, what relief the workman is entitled to ?

2. As per the detailed order passed in I.D. 97/90 in a connected reference the present reference is returned to the Ministry for want of jurisdiction.

Chandigarh.

ARVIND KUMAR, Presiding Officer
[No. L-14012/12/89-IR(DU)(Pt)]

का. भा. 1581.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) सम्पर्क जम्मू के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O.1581.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (Proj.) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH
I.D. No. 159/89

Kasturi Lal Vs. Project Sampark.

Shri A.S. Matan for the workman.
Shri D.P. Gupta for the management.

AWARD

Central Govt. vide Gazette notification No. L-14012/10/88 D.II(B) dated 5th October, 1989 issued U/s 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision:

"Whether the action of the Chief Engineer (Project) Sampark, Jammu in revoking Shri Kasturi Lal, S/o Shri Mushi Ram for the post of masan in pay scale of Rs. 540 to the post of Labour in pay Rs. 405 and denied original post w.e.f. 10/10/87 is justified? If not what other relief the workman is entitled to and with what effect."

2. As the detailed orders passed I.D. 97/90 in the connected reference the present reference is return to the Ministry of want of jurisdiction.

ARVIND KUMAR
Presiding Officer,
Chandigarh
[No. L-14012/10/88-D.II(B)(Pt.)]

का. भा. 1582.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ इंजीनियर (प्रोजेक्ट) सम्पर्क जम्मू के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O. 1582.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer (Proj.) Sampark, Jammu and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH
I.D. No. 161/89

Sarvshri Kamal Singh and others Vs. Chief Engineer Project Sampark.

Shri A.S. Matan for the workman.
Shri D.P. Gupta for the management.

AWARD

Central Govt. vide gazette notification No. L-14011/4/89-IR (DU) dated 5th October 1989 issued U/S 10 (1) (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision:

"Whether the action of the Chief Engineer (Project) Sampark, Jammu in terminating the services of Shri Kamal Singh, Nazir Mohd, Darshan Lal, Abdul Ghani, Gudu Ram, Ram Saran w.e.f. 9-1-1989 is justified? If not, what relief the workman concerned are entitled to?

2. As per the detail order passed in I.D. No. 97/90 in the connected reference the present reference is returned to the Ministry for want of jurisdiction.

ARVIND KUMAR, Presiding Officer
[No. L-14011/4/89-IR(DU)(Pt)]
Chandigarh
K.V.B. UNNY,
Desk Officer

नई दिल्ली, 14 मई, 1991

का. भा. 1583.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की धारा 33क के अन्तर्गत यू. पी. स्टेट सीमेंट कार्पो. लि. के प्रबन्धन के विरुद्ध द्वारा दायर एक प्रार्यता पत्र के संबंध में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ।

New Delhi, the 14th May, 1991

S.O. 1583—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of U.P. State Cement Corpn. Ltd. and their workmen, which was received by the Central Government on the 13-5-91.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 25 of 1988

In the matter of dispute between:

The Secretary

Bhartiya Cement Udyog Mazdoor Sangh

Dalla, Mirzapur.

And

The General Manager

U.P. State Cement Corporation Ltd.

Dalla, Mirzapur

Award:

1. The Central Government, Ministry of Labour, vide its notification No. L-29012/4/86-D.III(B) dt. 1-3-88 has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of U.P. State Cement Corporation Ltd., Dalla, Mirzapur, in not granting the benefit of permanent absorption as Time Keeper to Shri Jagnarain Ram and taking work from a Junior Attendant w.e.f. 30-1-1986 is justified? If not, to what relief is the workman entitled?

2. The industrial dispute on behalf of workman Shri Jagnarain Ram has been raised by Bhartiya Cement Udyog Mazdoor Sangh Dalla, Mirzapur (hereinafter referred to as Union). The case of the union is that the workman is posted in the U.P. State Cement Corporation Dalla (hereinafter referred to as Corporation) as permanently Time Office Attendant. Vide office order dt. 25-6-82, he was transferred from the time office of the Corporation to the time office of New Crusher Plant Mines. The Union alleges that in the new Crusher Plant the management stated taking work of Time Keeper from the workman from 7-7-82. In terms of clause 3B-1 & 2 after working for a period of over six months as Time Keeper the workman became entitled to be absorbed as permanent Time Keeper. In this regard he made several representation to the management but in vain. Ultimately, the workman through the Union filed a petition before ALC(C) Allahabad on 16-12-1985. While the proceedings were pending before ALC(C) Allahabad, the management illegally and mala fide transferred him from the time office of New Crusher Plant to the Packing Plant of the Factory as Trolley Checker. The Union alleges that after workman's transfer S/Shri Ikbarul Haq and Shainbhu Dayal Pandey who were junior to him have been made to work as Time Keeper in the Time Office of New Crusher Plant. The Union has further set up the case that several persons such as S/Shri Badama Dubey, Samual Naresh Das, Jai Murat Singh etc. who were Time Office Attendants have been given promotion as Time Keeper. According to the Union the pay scale of Time Keeper is Rs. 580-20-980 while that of Time Office Attendant is 545-13-805. The Union, has therefore, prayed that after declaring the action of the management of the Corporation as illegal, the management be directed to absorb the workman as permanent Time Keeper w.e.f. 7-7-82.

3. The case is contested by the management of the corporation. The management plead that vide office order dt. 5-6-69, the workman was appointed as peon in the Cement Factory of the Corporation w.e.f. 1-6-69. He was promoted as Time Office Attendant on 25-1-74, and in that capacity was posted in the time office of the Dalla Cement Factory Dalla. The management admit that vide office order dt. 25-6-82, the workman was transferred from the time office of the Cement Factory to the Time Office of New Crusher Plant. On the basis of the said order, the workman took over charge in Time Office of New Crusher Plant on 5-7-82 and started working as Time Office Attendant in T.C. Grade. The management have then given the number of days during which he had worked in the time office of the New Crusher Plant during the years 1982, 1983, 1984, 1985 and 1986. According to the management he was never promoted to the post of Time Keeper in any regular or permanent vacancy. Although a non matriculate, due to exigency of work, the workman was engaged purely on adhoc basis to work as Time Keeper in a particular shift. He has been paid wages of the period during which he had worked as Time Keeper on Adhoc Basis in terms of the Award of Arbitration Board for Cement Industry (II Reference). Further the management plead that promotion is purely a managerial function. The management have been appointing and promoting employees strictly as per their sanctioned man power strength. According to the management, the working of the New Crusher Plant was not in all the shifts. Later on it was found that the working of the said plant should be only in two shifts. Because of it vide office order dt. 26-4-86, the workman was transferred from the time office of the New Crusher Plant to the Packing Plant as Trolley Checker. Lastly, the management plead that even according to seniority amongst the employees working in TC Grade, the workman was 14th in Seniority.

4. In support of their respective cases both sides have led oral as well as documentary evidence. The Union has examined the workman and the management have examined Shri Chhedi Lal Srivastava, Chief Time Keeper in the Time Office of the Corporation.

5. In his cross examination, the workman has admitted that in the beginning he was appointed as a peon on 5-6-69. Document no. 1 of management's list of document dt. 12-9-88 which has been proved by management witness is the copy of office order dt. 5-6-69 issued by Director of Government Cement Factory Dalla. From this order it appears that the Workman's employment as peon, was purely on temporary basis upto Feb. 1970. By means of the office order, the workman was directed to report for duty in Govt. Cement Factory, Dalla.

6. In para 2 of his affidavit, the workman has stated that he was promoted as Time Office Attendant on 23-1-74. The management case, on the other hand, which is corroborated by the management witness is that he was promoted on 25-1-74. No office order in this regard has been filed by either side. However, the difference regarding date of promotion being of very minor nature is not much material. The Union's case is that the workman was transferred vide office order dt. 25-6-85 to Time Office of New Crusher Plant in the same capacity i.e. the capacity of Time Office Attendant. This is proved from document no. 2 of management's list of document dt. 12-9-88 which has been proved by the management witness. It is the copy of office order dt. 25-6-82.

7. Thus from the above facts it stands proved that before the passing of the order dt. 25-6-82 the workman had worked first as a Peon and then on his promotion in January, 1974, in the Time Office of U.P. Cement Factory, Dalla as Time

Office Attendant. It is not disputed by Shri Bhupender Singh, the authorised representative for the Union that had the workman's grievance been in respect of his working in the U.P. State Cement Factory Dalla, the Appropriate Government within the meaning of section 2(9) I.D. Act 1947 would have been the State Government and not the Central Government. According to Shri Bhupender Singh, the working of New Crusher Plant being connected with mines, the Appropriate Govt. in respect of the workman would be Central Govt. & not the State Government.

8. May it be as has been submitted by Shri Singh. It means that the permanent lien of the workman as Time Office Attendant was in the Cement Factory for which the Appropriate Government is the State Govt. It is not the case of the Union that after his transfer to New Crusher Plant he was permanently absorbed by the management in the said plant. The Union has come with the case that vide office order dt. 25-6-82, he was transferred from time office of the Cement Factory to the Time office of the New Crusher Plant. It will therefore be at the best a case of his having been sent on deputation to the New Crusher Plant for which as has been said above according to Shri Singh, Central Government is the Appropriate Govt. It is the further case of the Union that he was transferred back from New Crusher Plant to the Packing Plant of the Cement Factory as Trolley Checker. In his cross examination, the workman has admitted that his substantive posting is as time office attendant is the pay scale of Rs. 545-805. Thus there has been no reduction in rank.

9. I, therefore, fail to understand how the workman or Union feels aggrieved by the action of the management of the Corporation. Daily this happens in Government Departments. An employee is sent on deputation attracting deputation allowance from one department to another department. After some time he is withdrawn and some other employee though junior, is sent on deputation to the same department. It does not create any vested right in the person who is so sent on deputation. As earlier remarked, the case would have been different had the workman been absorbed permanently in the New Crusher Plant. It is also not the case of the Union that the workman had left Cement Factory and has joined the new crusher plant, as a fresh employee in the time office department. Therefore in his case the certified standing orders of the Cement Factory or the Model Standing orders where there are no certified standing orders will not apply. Although the Union has come with the case in the claim statement that the workman is governed by the certified standing orders of the Cement factory during course of arguments it was submitted by Shri Singh, the authorised representative for the Union that the Certified Standing Orders only apply to the employees of the Cement Factory and not to the Employees of the New Crusher Plant which in the absence of Certified Standing Orders would be governed by Model Standing Orders. Thus the Union is not sure on the point whether or not standing orders will govern the case of the workman. To my mind in view of the facts and circumstances referred to by me above, his case will not be governed even by Model Standing Orders. He has been sent back by the Management of the Cement Factory where he has his permanent lien.

10. Before concluding the case I would like to refer to a few important facts on which evidence has been given by the Union. The Union's case is that from 7-7-82 to 30-4-86, the workman has worked as Time Keeper in the Time Office of New Crusher Plant. Although continuous working during this period has not been admitted by the management vide statement given with regard to number of working days during

this period, in para 5 of the written statement the management witness has admitted in his cross examination that during said period, the workman had all along worked as Time Keeper and if in some of the months he had not worked for full month, it was because of the fact that either he was on leave or he was availing rest.

11. Although the Union has named certain persons in para 15 of the claim statement who has been promoted as time keeper, no document has been filed in this regard by the Union. The affidavit of the workman in this regard is silent.

12. Lastly, the case of the Union is that after the transfer of the workman from New Crusher Plant to the Packing Plant of the Cement Factory, the work of Time Keeper is being taken from S/Shri Ikbarul Haq and Shambhu Pal both of whom are junior to the workman. The legal position in this regard has already been explained by me above. But for mere allegation, the Union has not given any evidence as to when these two persons became time office attendant. In para 12 of his affidavit, the witness has given the seniority of Time Keepers and Time Office Attendants, in 1982. At serial no. 5, the name of Shri Ikbarul Haq appears and at serial no. 9, the name of the workman appears. Both of them have been described as time office attendants. It further shows that Shri Ikbarul Haq started working as Time Office Attendant from 30-5-82, when the workman started working as time office attendant on 5-7-82 in the New Crusher Plant. So even if the situation is examined otherwise I find no force in this plea of the Union.

11. I may state here that in his cross examination the management witness has deposed that the New Crusher Plant started functioning w.c.f. 14-8-81. In the beginning the plant used to run in 3 shifts but in 1986 due to shortage of material the number of shifts was reduced from 3 to 2. He has also deposed that when the plant was running in 3 shifts there were 4 Time Keepers and 4 Time Office Attendants but after it started running into two shifts in 1986/87, the strength of time office got reduced. Now there are two time keepers and 3 Office Attendants. Naturally, therefore the management was forced to reduce the strength of the time office at the New Crusher Plant.

12. Hence the action of the management on the point on which reference has been made cannot be held as unjustified. I may state here that the Union has failed to prove that the workman has been superseded by any junior man by the management.

13. The reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-29012/4/86-D-III(B)]
S.S. PARASHER, Under Secy.

नई दिल्ली, 14 मई, 1991

का. प्रा. 1584. - औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

New Delhi, the 14th May, 1991

S.O. 1584.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award

the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Reserve Bank of India and their workmen, which was received by the Central Government on 14-5-1991.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.T. No. 111/88

In the matter of dispute between :

Shri Jalesh Bhatia s/o Shri R. R. Bhatia, r/o B-17, Dayanand Colony, Lajpat Nagar, New Delhi-110024.

Versus

The Manager, Reserve Bank of India, Parliament Street, New Delhi.

APPEARANCES :

Workman in person Shri N. V. Deshpande, Joint Legal Adviser for the Management.

AWARD

The Central Government in the Ministry of Labour vide its notification No. L-12012/13/88-D-IV(A) dated 19-10-1988 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Reserve Bank of India, New Delhi was justified in dismissing Shri Jalesh Bhatia, Clerk Gr. II/coin note examiner Gr. II w.e.f. 31-1-84? If not, to what relief the workman is entitled :"

2. In the statement of claim the workman alleged that he is employed by the Management vide appointment letter No. MGR/1098/75/76 dated 18-2-1976. The performance of the workman was extraordinary and was regarded as the best in his cadre. He never gave any cause of complaint to the Management and subsequently was confirmed on the post vide order dated 29-3-1979. He was charge sheeted vide charge sheet dated 15-9-1982 Annexure I and the Management then issued a dismissal order on the basis of alleged enquiry. The brief facts which led to the situation were that the workman remained on medical leave due to his illness from 19-11-1981 to 24-2-1982 vide various applications for leave. This medical leave was fully sanctioned by the office and the workman was given due payment of salary for the said period. Charge No. 1 of the charge sheet was never proved on record and no punishment could be inflicted on this charge. The workman joined his duties at his office at New Delhi on 25-2-1982 to 21-3-82 and on 22-3-82 he again applied for leave due to the serious illness of his mother. These applications were never rejected by the office and charge No. 2 was also not proved on merit and no punishment as such could be inflicted on this charge. The direction of the bank to the workman to appear for

medical check up before the bank medical officer vide letter dated 23-3-82 was quite meaningless and mala-fide because the workman was on leave from 22-3-82 onwards on the ground of serious illness of his mother. No case was made out on charge No. 3 and no punishment as such could be inflicted. All these allegations were duly replied to by the workman vide reply dated 25-5-82 and the office never rebutted the reply submitted by the workman. He could not join duty due to the sickness of his mother and fully explained in the leave applications submitted on 2-7-82. These applications were never rejected and charge No. 4 was also never proved on merits and no punishment thus could be inflicted.

3. The charge sheet was arbitrary, unconstitutional and mala-fide. It has no authority of law and it did not specify under what provision of law misconduct was committed. The punishment inflicted was unwarranted and excessive. The period of absence have been regularised by the various officers of the Management from time to time and no period has been treated as unauthorised. The dismissal of the workman was illegal and the workman as such was entitled to reinstatement with full back wages and other benefits to his original post alongwith cost of litigation.

4. The Management in its reply to the statement of claim alleged that the order of dismissal of the workman was passed in compliance with the provisions of Reserve Bank of India (Staff) Regulations 1948 and the principles of natural justice. Workman had preferred an appeal which had also been disposed of according to law and the workman as such was not entitled to any relief.

5. After giving details of the dates on which the workman remained absent from duty it was further alleged in the written statement that the workman submitted an application dated 13-11-81 applying for extension of leave from 13-12-81 to 18-12-81 on the ground that he had not recovered fully and the doctor had advised rest for further six days and the medical certificate would be produced on joining. Shri Bhatia joined his duty on 19-12-1981 and produced medical certificate dated 18-12-81 for the period 19-11-81 to 18-12-81 fitness certificate dated 18-12-81 from Dr. Jagat Bhushan, Homeopathic Physician having his clinic at K-21, Connaught Circus, New Delhi and residence at 7/26, Darya Gani, New Delhi. The bank was about to consider whether the reasons for his absence were satisfactory and sanction of leave to him for the aforesaid period but Shri Bhatia again absented himself for 33 days i.e. 21-12-81 to 23-1-1982. During this period he sent three applications dated 21-12-81, 4-1-82 and 18-1-82 by post applying for leave upto 23-1-82 on the ground of fever and not having recovered fully and further alleging that he was advised rests and medical certificate would be produced on resuming duties. He resumed duty on 25-2-82 and produced two medical certificates for the above period and fitness certificate dated 24-1-82 from Dr. Rajeev Bhargava, DHMS having his residence-cum-clinic at Sarojini Nagar, New Delhi. Shri Bhatia again remained absent from the bank from 27-1-82 to 24-2-82 during which period he sent two applications dated 27-1-82 and 10-2-82 by post on the ground of his indisposition. On 25-2-82 he again resumed duty and produced two medical certi-

ificates for the aforesaid period and fitness certificate dated 25-2-82 from Dr. Manohar Lal, L.A.M.S. RMP, MPT-533, Vinay Nagar Main, New Delhi. Since all the medical certificates produced by Shri Bhatia were from Homeopathic RMP Practitioner in areas away from the residence of Shri Bhatia and were also produced after resumption of duty. The reasons of his absence were not found satisfactory and Sh. Bhatia was advised vide bank's letter dated 23-3-82 to appear for medical check up before the bank's Medical Officer Main Office Dispensary giving reference to his application for leave. He, however, did not appear before the bank Medical Officer for medical check up and did not comply with bank instructions. Instead of appearing before the bank's Medical Officer he again absented himself from the bank w.e.f. 22-3-82 to 31-10-82 and during this period he sent this application by post on different dates applying for leave on ground of his mother's illness. He did not submit any medical certificate supporting his Mother's illness nor submitted any such certificate thereafter. The reasons for absence of Shri Bhatia were not found satisfactory he did not appear for medical check up before the bank medical officer, his leave record was kept under observation and sanction of his leave for the aforesaid period was kept pending. Further the disbursement of the salary of Shri Bhatia w.e.f. February, 1982 was stopped. He was issued a memo dated 18-5-1982 intimating that by not appearing before the Bank's Medical Officer for medical check up he had contravened regulations 39 and 32 of Reserve Bank of India (Staff) Regulations 1948 and calling upon him to show cause why disciplinary proceedings under section 47 of the (Staff) Regulations should not be instituted against him. In reply sent by post dated 18-5-1982 it was alleged that he and his family were facing lot of trouble/difficulties because of which he was forced to take leave and that his mother was not keeping well. This was not found satisfactory and he was advised to report immediately for duty failing which the bank would be constrained to institute disciplinary proceedings against him. He, however did not report for duty and continued to remain absent. He committed an act of gross misconduct and caused dislocation of the official work. He was also charged with breach of Regulation 32. He did not submit any reply to the charge sheet which he was expected to file within 15 days. On the contrary he continued sending applications applying for leave upto the period 31st March, 1984 on the ground of his mother's illness.

6. Preliminary enquiry was ordered into the charges against Shri Bhatia by the competent authority to Shri I. J. Madan, S.O. Gr. 'B' of the Reserve Bank of India, New Delhi Enquiry was fixed for 7-2-1983 and due notice was sent to Shri Bhatia at his residential address by registered A.D. for the reasons that he had not been attending the office since 22nd of March, 1982 which was duly received by him. He did not present himself for the enquiry on 7-2-83 and other date was fixed for the purpose. He did not appear on the next date i.e. 2-3-1983. The third date i.e. 22-4-1982 was again fixed. He did not appear on that date also and ex parte proceedings

were held on that day. The enquiry Officer submitted his report dated 19-5-1983 stating therein that all the charges against Shri Bhatia stood proved. Penalty of dismissal from service was proposed regarding which a show cause notice was sent to him and the same was received back that the addressee was not available. Show cause notice under certificate of posting was also sent which was not received back. The order of dismissal was confirmed on 31-1-1984 by the competent authority finally and an Appeal preferred by him was also rejected and the dismissal of Jalesh Bhatia workman was fully justified. There was no question of Shri Bhatia being regarded as the Best in his cadre as there was no such classification of employees. It was further alleged in the written statement that the dismissal of the workman by the Management was fully justified and the question of setting aside the same did not arise.

7. My predecessor framed the following issues :

1. Whether the domestic enquiry conducted against the workman is fair and proper?

2. As in terms of reference ?

8. I have heard representative for the parties and have gone through the record. The Management examined Shri Sham Lal Ravi MW1 and the workman himself appeared as WW1 in support of his case, besides his own affidavit. My findings on the issues are as follows :

ISSUE NO. 1

9. The representative for the management has urged that the enquiry against the workman was fully fair and proper and no lacuna was left by the Management in the conduct of the whole enquiry. Full opportunity was afforded to the workman and the dates were adjourned from time to time and notices were sent to him though he choose not to appear before the Enquiry Officer. The Enquiry Officer was in no way biased against the workman. He has tried to conduct the proceedings in a most impartial and fair manner and if the workman did not choose to appear before the Enquiry Officer the enquiry did not become vitiated. His findings were not at all perverse in any way and he has arrived at the right conclusion and has not favoured the management in any manner while giving his findings.

10. The workman on the other hand has alleged that the enquiry conducted against him was not fair and the A. Ds sent to him were not signed by him and the Management has not been able to explain or the Enquiry Officer verified or enquired as to who had signed those A.D. Cards. The A.D. Cards Annexure V, VII and IX bear no Sl. Number and dates and the signatures on all the three appears to be different from each other. The Enquiry Officer did not consider the defence of the workman and only considered the facts stated by the management. He reply dated 25-5-1982 of the workman in which he had fully explained his reasons for absence was not at all considered. The witness Mrs. Dolly Swarup appearing on behalf of the Management misled the Enquiry Officer and she had only referred to provision of regulation 39(1) of Reserve Bank of India (Staff) Regulation 1948 and not the provisions of Regulations 39(2) of the same Act nor the Enquiry

Officer cared to look into that. All the leave applications of the workman were submitted in time and received by the bank without any delay. The Enquiry Officer wrongly held that the medical certificates filed by the workman were not satisfactory. The fact whether the workman or his mother were ill or not has not been considered by the Enquiry Officer. The Enquiry Officer did not verify the fact that as to why management has not informed the workman that his absence had been declared unauthorised or his leave has not been sanctioned when he came to resume his duty. The Enquiry Officer had not verified the fact as to how this dislocation of the work was caused due to the absence of the workman.

11. The workman representative has referred to 1963(2) LLJ 452 (456) Supreme Court. The object of holding a domestic enquiry is to enable the Enquiry Officer to decide upon the merits of the dispute before him. The workman has further alleged that the Management was determined to dismiss the workman and the enquiry was only face saving device, management adopted unfair labour practice and penalised the workman without any cause on flimsy ground.

12. On careful perusal of the points urged before me by the representative for the parties I am of the opinion that the enquiry conducted against the workman in his case seems to be fair and proper. There is no allegation in the entire case of the workman regarding his any personal grouse with any other employee of the bank. There is also nothing on record to suggest that the workman was any active member of any labour union to which the management wanted to get rid of. The conduct of the workman from the very beginning regarding his so frequently absence from duty only shows that the workman was determined to take leave without any solid ground. A perusal of the leave application would show that he would send the leave application by post to the bank and would never go personally to deliver the application because he was afraid of having been caught about his own so called 'sickness'. And educated man as he is he goes for treatment to R.M.P. or Homeopath but not to the qualified medical officer of the bank which treatment he should have got free of cost. He chooses to get himself treated by these homeopath and obtain in the sickness as well as fitness certificate on the same day. A certificate of a date stating therein that he was advised rest for the last days could only show to be a fictitious certificate because no doctor could state that such and such person was sick to such and such extent on any pasted date and he required rest for that period. Even without going into the merits of the certificates and his application for leave I only would like to confine myself to the enquiry. The procedure adopted by the enquiry officer in conducting the enquiry against the workman in no way was unfair or improper. He had sent notice to the workman to appear by registered post as well as by postal certificate. When he did not appear for the first date then he fixed another date and when he did not appear on the second date he adjourned the same for the third date as it was only on 22nd of April that the Enquiry Officer ordered ex parte proceedings when the workman failed to appear on the third consecutive date as well. The mere fact that the enquiry was ex parte does not make the enquiry vitiated or biased. No allegation against the Enquiry Officer appear on

record and the procedure followed by the Enquiry Officer seems to be fully legal and proper. Keeping in view all these circumstances I am of the view that the Enquiry conducted by the Management was fair and proper and no ground to set aside the same was made out from the arguments addressed by the representative for the workman. I, therefore, find this issue against the workman.

13. The representative for the parties have also argued about the second issue alongwith the first issue and did not want any additional evidence to be led on this I, therefore, hold that since the enquiry conducted by the Management was fair and proper and the order of the competent authority was in no way illegal or unjust. The workman's conduct during his employment with the bank shows that he was intentionally avoiding his duties and absenting himself for long periods without any justification. A small example of his absence from duty in January, 1982 was that he remained on leave upto 24-1-82 and joined his duty on 25-1-82 just to avail of 26-1-1982 a Republic Day National Holiday and then again proceeding on leave on 27-1-82 to 24-2-82. I do not find anything wrong in the punishment awarded to the workman by the Management and hold that the dismissal of the workman from service by the management was fully justified under the circumstances brought on record in this case. Parties are however, left to bear their own costs of this proceedings.

March 5, 1991.

GANPATI SHARMA, Presiding Officer.

[No. L-12012/13/88-IV(A)]

का. प्र. 1585 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैथोलिक सीरियन बैंक लि., के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में श्रम ध्यायालय ऐरनाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

S.O. 1585.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Labour Court Ernakulam as shown in the Annexure in the industrial dispute between the employers in relation to the management of Catholic-Syrian Bank Limited and their workmen, which was received by the Central Government on 13-5-91.

ANNEXURE

IN THE LABOUR COURT, ERNAKULAM
Saturday, the 4th day of May, 1991

Industrial Dispute No. 2/88 (C).

BETWEEN

The Chairman, Catholic Syrian Bank Ltd., 1, St. Mary's College Road, Post Box No. 502, Trichur-680020.

AND

Their workman Shri A. Mohammed Shabeer, Kokontazhikom, West of Sookikaran Junction, Beach North, Jonakapuram, Quilon.

Representations

Shri M. Venugopalan, Advocate, Thrissur-1.
For Management

Shri Asok M. Cherian, Advocate, Ernakulam.
For Workman.

AWARD

The issue referred for adjudication to this Court by the Government of India, Ministry of Labour, New Delhi as per Order No. L-12012/96/87-D.IV(A) dated 8-3-1988 is "Whether the action of the Management of Catholic Syrian Bank Limited in dismissing from service Shri A. Mohammed Shabeer, Clerk-cum-Cashier, with effect from 4-3-1987 is justified? If not to what relief the workman is entitled?"

II. The dismissal was after a domestic enquiry into certain charges raised against the workman. The validity of the domestic enquiry was tried by me as a preliminary issue. I found on the aspect as per my order dated 4-3-1991 that there was a proper and valid domestic enquiry. I found further there that the findings of guilt rendered by the Enquiry Officer are correct. Facts necessary for disposal of the case have been narrated in that order which I shall here extract in full.

"PRELIMINARY ORDER

The issue referred for adjudication to this Court by the Government of India, Ministry of Labour, New Delhi as per Order No. L-12012/96/87-D.IV(A) dated 8-3-1988 is "Whether the action of the Management of Catholic Syrian Bank Limited in dismissing from service Shri A. Mohammed Shabeer, Clerk-cum-Cashier, with effect from 4-3-1987, is justified? If not to what relief the workman is entitled?"

2. The workman has filed a claim statement stating as follows :—

The workman was working as Clerk-cum-Cashier at Quilon Branch of the Catholic Syrian Bank Limited. While so, he was suspended from service pending enquiry. Subsequently he was served with a charge-sheet on 3-6-1985 on the allegation that he along with his accomplices Shri Anwar and Shri Mohan obtained additional cheque books by presenting bogus requisition letters and drew cheques on various accounts by forging signatures of the depositors and encashed the same. The workman submitted his explanation on 17-7-1985 denying the charges. Thereupon the Management ordered a domestic enquiry into the charges and Enquiry Officer submitted his report holding that the charge against the workman is proved. Accepting the report of the Enquiry Officer the Management issued an order dated 25-2-1987 inflicting the punishment of dismissal from service. The workman preferred an appeal before the Appellate Authority on 6-10-1986. The Appellate Authority dismissed the appeal and confirmed the order of punishment. The workman thereafter raised an industrial dispute which culminated in this reference. The dismissal of the workman from service is unwarranted and unsustainable in law and in facts. The enquiry was conducted in violation of the principles of natural justice. The Enquiry Officer has relied on statements obtained behind the back of workman and no opportunity was given to

the workman to cross examine them. Material witnesses were not produced by the Management. The finding of the enquiry Officer is perverse and not supported by any valid and admissible evidence. The enquiry Officer has given undue importance in his report to the alleged admission statement of the delinquent worker. In any case, the punishment imposed on the workman is excessive and disproportionate to the gravity and circumstances of the case. He may be reinstated in service with back wages and attendant benefits.

3. The Management has filed a written statement contending as follows :—

The enquiry held was quite in conformity with provision of law and principles of natural justice. The finding of the Enquiry Officer is based on evidence recorded in the enquiry. The final order of punishment was issued fully complying with rules and regulations governing in the matter. The order of dismissal passed against the workman is perfectly valid and sustainable in law. There was no violation of the principles of natural justice in the enquiry held. The workman was given full opportunity to peruse all the records relied on by the management. He was afforded sufficient opportunity to cross-examine all the witnesses on the side of the management. He was also allowed to be represented in the enquiry by a representative of his choice. The seriousness and gravity of the misconduct alleged and proved deserves the punishment of dismissal. The punishment awarded is commensurate with the gravity of the misconduct committed. The workman is not entitled for reinstatement with or without back wages.

4. The points that arise for consideration are whether the enquiry conducted by the Enquiry Officer is proper and valid and whether the findings entered into by the Enquiry Officer are supported by legal evidence?

5. The Enquiry Officer was examined as MW1 and the file relating to the domestic enquiry was marked as Ext. M1.

6. The delinquent was working as a Clerk-cum-Cashier in the Quilon Branch of the Management Bank. While so, he was served with a charge-sheet on 3-6-1985 alleging that he along with his accomplices Shri Anwar and Shri John, obtained additional cheque books by presenting bogus requisition letters and drew cheques on various accounts by forging signatures of the depositors and encashed the same. The delinquent was called upon to show cause why disciplinary action should not be taken for the above misconduct. The delinquent submitted his explanation denying the charges. Not satisfied with the explanation submitted by delinquent the Management resolved to conduct a domestic enquiry and a domestic enquiry officer was appointed. The enquiry officer held the enquiry and made the report finding that the delinquent is guilty of the charge. Accepting the finding of the Enquiry Officer, the Management dismissed him from service. Against the said dismissal the workman raised an industrial dispute which culminated in the reference.

7. The delinquent is challenging the domestic enquiry and findings of the enquiry officer on the grounds that the charge-sheet itself was issued with a pre-determination and the enquiry was conducted only a formal procedure for dismissing him. According to him, the Enquiry Officer has conducted the enquiry in violation of the principles of natural justice and the findings of the enquiry officer is perverse as it is not supported with legal evidence.

8. The Enquiry Officer was examined as MW1. He would depose that he conducted the enquiry following the principles of natural justice and he has given sufficient opportunity to the workman to peruse the documents and to cross-examine the witnesses of the Management. On perusal of Ext. M1 enquiry file it can be seen that the delinquent has earnestly participated in the enquiry and he was allowed to be represented by a Union Official in the enquiry. The proceedings in the enquiry would go to show that the Enquiry Officer has given the delinquent sufficient opportunity of being heard. Taking all these facts into consideration I hold that the enquiry conducted by the Enquiry Officer is legal and proper adhering to the principles of natural justice.

9. The charge levelled against the delinquent is misappropriation of Bank fund by Committing forgery. According to the charge-sheet, the delinquent along with his accomplices Shri Anwar and Shri. Mohan obtained additional cheque books by presenting bogus requisition letters and draw cheques on various accounts by forging signatures of the depositors and encashed the same for an aggregate sum of Rs. 53,500 on various dates. The misconduct was first detected by the Manager of the Branch when copy of the letter sent by Smt. Anitha Jacob and Smt. Mary Jacob on 18-2-85 addressed to Head Office was received by him. On receipt of this complaint the Manager personally verified the relative personal ledger and found that there was a withdrawal of Rs. 7,500. On further verification, he also found that there was difference between the signature on the cheque and the specimen signature of the account-holder. The matter was immediately reported to the Zonal Office at Trivandrum and to Head Office. The Branch Manager (MW2 in the enquiry) sent a report to the Chairman which is Ext. M32 in the enquiry. During investigation, the Police questioned Shri. Anwar who encashed the cheque for Rs. 7,500 and he admitted that he had encashed a few cheques more on the instruction of the charge-sheeted employee Shri. Mohammed Shabeer and that the proceeds of all those cheques had been entrusted to Shri. Shabeer. According to the Management, the delinquent on 19-3-1985 has admitted that he fraudulently withdrawn Rs. 41,500 from different accounts and that his uncle Shri. Sathar has remitted at the Bank Rs. 41,500 on his behalf. On 20-3-85 Shri Shabeer gave to the Manager a statement in writing Ext. M29 (in the enquiry) admitting the fraudulent withdrawal of Rs. 41,500 from five accounts through seven cheques on different dates by instigating Shri. Anwar. The photo-copies of those cheques have been marked in the enquiry as Exts. M3, M4, M5, M9, M10, M14, M18, M21 and M25. The Management witnesses except MW1 have stated that additional cheque books were issued in the name of

the account holders against requisition letters purported to have been signed by them. But none of the requisition letters are now available at the branch and they are not produced as exhibits. They were also not available during the investigation by MW1 in the enquiry. He would depose that the relative application forms of the account holders containing their specimen signatures or specimen signature cards are produced and marked as exhibits. He would further depose that the signatures in the Cheque Issue Register in the space provided for signatures of the account holders do not tally with the signatures in the specimen signature cards or the application forms of those customers, the evidence of MW2 (in the enquiry), the then Manager of the Quilon Branch, M10, would go to that the Exts. M4, M9, M10, M14 and M18 were prepared in the handwriting of the delinquent. During the inspection MW1 (in the enquiry) could detect the fraud played by the delinquent to the extent of Rs. 41,500 only in the first instance and two withdrawals for a total amount of Rs. 12,000 from the S.B. Account of Smt. Kamla Bai was detected subsequently. This amount was also remitted by Shri Sathar, uncle of the delinquent on 12-4-85 along with a statement (Ext. M30 in the enquiry) given by Shri Sathar. It is come out in the evidence that subsequently the Branch Manager contacted Shri Sathar and requested him to return the additional cheque books unauthorisedly obtained by the delinquent and they were produced by Shri. Sathar on behalf of the delinquent along with a statement of 13-5-1985 which is Ext. M36 in the enquiry. He has also remitted Rs. 1956.26 being the interest accrued on the misappropriated amount of Rs. 53,500 along with another statement dated 13-5-1985 which is Ext. M42 in the enquiry. MW1 (in the enquiry) would depose that the payment of cheques under Exts. M3 and M4 were made to Shri. Mohan and the payments under Exts. M14, M18 and M25 were made to Anwar. It can also be seen that there is a clear admission of misappropriation by the delinquent under Ext. M29. The oral testimony of MWs. 1 to 7 and Exts. M3, M4, M5, M9, M10, M14, M18, M21, M25, M29, M30 and M39 in the enquiry would amply prove the fact that the delinquent is guilty of the misconduct alleged against him. Therefore I find that the domestic enquiry officer has entered the finding of guilt relying on the legal and valid evidence adduced before him in the enquiry. Hence I hold that the finding entered into by the Enquiry Officer is not perverse as contended by the delinquent, but it is supported by legal evidence.

10. In the result it is hereby found that there was a valid and proper enquiry and that the finding of the Enquiry Officer is correct."

III. The question remains to be adjudicated is the propriety and justifiability of punishment imposed on the delinquent. The punishment imposed is dismissal from service for the misconduct of misappropriation by fraudulent withdrawals of an amount of Rs. 53,500 from different accounts. It was also proved that there were two fraudulent withdrawals for a total amount of Rs. 12,000 from the S.B. account of Smt. Kamala Bai. As the misconducts committed by the delinquent are serious and grave, the punishment of dismissal from service imposed on him can only be justified and

there is no reason to invoke Sec. 11(A) of the I. D. Act to interfere with punishment imposed on delinquent. Therefore I find that the punishment of dismissal imposed on delinquent is only to be confirmed.

V. In the result an award is passed confirming the punishment of dismissal of Shri. A. Mohammed Sha-beer with effect from 4-3-1987.

Ernakulam,
4-5-1991.

R. RAVEENDRAN,, Presiding Officer
[No. L-12012/96/87-DIV(A)]

APPENDIX

Witness examined on the Management's side :

MW1, Shri C. C. John.

Exhibits marked on the Management's side :

Ext. M1. File relating to the domestic enquiry held against Shri. A. Mohammed Shabeer.

नई दिल्ली, 15 मई, 1991

का. मा. 1586.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंदौर भोपाल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण व श्रम न्यायालय, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

New Delhi, the 15th May, 1991

S.O. 1586.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, Cum Labour Court Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of Indore, Bhopal and their workmen, which was received by the Central Government on 14-5-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(103)/1989

PARTIES :

Employers in relation to the State Bank of Indore, Bhopal and their workman, Shri Brijesh Kumar Jain, Clerk, In front of Ganesh Bhojnalaya, Dharamshala Marg, Shivpuri, (M.P.) 473551.

APPEARANCES :

For Workman.—None

For Management.—Shri S.K. Mishra, Advocate.

INDUSTRY.—Banking

DISTRICT.—Bhopal (M.P.)

AWARD

Dated, May, 1991

By Notification No. L-12012/22/89-IR(B-3) dated 2nd May, 1989 the Central Government, Ministry of Labour, referred the following dispute to this Tribunal, for adjudication:—

“Whether the action of the management of the Regional Manager, State Bank of Indore in not giving an opportunity to Sh. Brijesh Kumar Jain, Clerk, whose services were terminated on 13-2-1984 for further employment while recruiting fresh hands under Section 25 H of the I.D. Act is justified? If not, to what relief the workman is entitled to?”

2. The case was registered on 17-5-89. Since then inspite of repeated notices neither party has filed any statement of claim nor the workman ever appeared.

3. It appears that the workman concerned has no interest in the case. I therefore record a no dispute award.

V. N. SHUKLA, Presiding Officer.
[No. L-12012/22/89-IR(B III)]
S. C. SHARMA, Desk Officer

नई दिल्ली, 16 मई, 1991

का. मा. 1587.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में. बी. सी. सी. एल का अंगारपथर कोलियरी के प्रबंधन से संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1 धनबाद के पंचाट को प्रकाशित करती है, का केन्द्रीय सरकार को 13-5-91 को प्राप्त हुआ था।

New Delhi the 16th May, 1991

S.O. 1587.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Angarpathra Colliery of M/s. BCCL and their workmen, which was received by the Central Government on the 13-5-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 101 of 1989

PARTIES:

Employers in relation to the management of Angarpathra Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri S.N. Goswami, Advocate.

STATE—Bihar

INDUSTRY—Coal

Dated, the 8th May, 1991

AWARD

The present reference arises out of Order No. L-20012/21/89-I.R. (Coal-I), dated the 28th August, 1989 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether the action of the management of M/s. B.C.C. Ltd. Katras Area in dismissing from service Shri Malindo Bouri, General Mazdoor, Angarpathra Colliery w.e.f. 17-4-87 is justified? If not, to what relief is the workman concerned to?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer
[No. L-20012/21/89-IR(Coal-I)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1
AT DHANBAD

Reference No. 101/89

Employers in relation to the Management of Angarpathra Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PETITION OF COMPROMISE :

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the above dispute has been amicably settled between the parties on the following terms :—

(a) That the concerned workmen Sri Malindo Bouri will be reinstated on his original job within 30 days from the date he reports for his duty.

(b) That the concerned workman will not be entitled for back wages from the date of his dismissal till the date of his joining duty and the entire period of his absence prior to his dismissal as well as his idle period after dismissal will be treated as leave without wages for the purpose of maintaining his continuity of service and for the purpose of earning his gratuity.

(c) The concerned workman will not be entitled for any other relief.

2. That in view of the above settlement, there remains nothing to be adjudicated.

It is humbly prayed that the settlement may kindly be accepted as fair and proper and Award may kindly be passed in terms of the settlement.

For the Workmen

For the Employer

Sd/-

1. (Malindo Bouri)

A. K. SRIVASTAVA,
General Manager,
Katras Area.

Part of Award.

Sd/-

2. (Rajendra Mohan)
Dy. CPM, Katras Area

Sd/-

3. (P. Jha)
Dy. PM, Katras Area

का. आ. 1588,--श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधकों से संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 का प्राप्त हुआ था।

S.O. 1588.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on the 15-5-91.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 5 of 1989

IN THE MATTER OF DISPUTE BETWEEN :

The President,

Union Bank Employees Union,
C/o Union Bank of India,
20 Dr. B. N. Verma Road,
Aminabad Lucknow.

AND

The Deputy General Manager,
Union Bank of India,
Zonal Office, Hotel Clarks Awadh,
8 M.G. Marg, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/438/88-D-2(A) dated 3-1-89 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Union Bank of India in not adjusting Shri Udaibir Singh on his promotion to clerical cadre at Lucknow or nearly place, keeping in view the agreed policy is justified? If not, to what relief is the workman entitled?

2. The industrial dispute on behalf of the workman has been raised by the Union Bank Employees Union (hereinafter referred to as Union). The case of the Union is that vide staff circular No. 3198, dated 10-10-87, on the basis of Written Test and Interview, 14 members of the sub staff including the present workman were selected for promotion to the clerical cadre. Ext. W-2 is the copy of the list of these 14 members of the sub staff.

3. The Union alleges that staff circular No. 2806 dt. 14-5-88, copy Ext. W. 1, was issued by the management in pursuance of the memorandum of settlement dt. 16th October, 1984, with regard to the promotion of sub staff to clerical cadre. The said circular says that the members of sub staff on promotion will as far as possible not be transferred out of station. According to the Union the said promotion policy was not given effect by the management in respect of the workman. He was posted as clerk at Rae Bareilly Branch of the Bank when a clerical vacancy existed in Zonal Office, Chand Ganj Branch, and Aish Bagh Branches of the Bank at Lucknow. A clerk (Typist (Hindi)) was promoted to officer cadre from Zonal Office Lucknow and one clerk (typist (Hindi)), namely Shri Lalit Mohan, who was performing the duties of General Clerk at Zonal Office of the bank at Lucknow, by posting Shri Lalit Mohan clerk (typist) in the place of the promoted clerk (typist) the workman could have been posted as a clerk in the vacancy of Shri Lalit Mohan. There existed a vacancy of clerk (cashier) at Chandganj Branch at Lucknow, but instead of posting the workman at the branch, the management with mala fide intention posted another clerk (cashier), namely, Shri A. H. Siddiqui, at the said branch on 16-10-87. Then the management had agreed to provide clerical staff at Aish Bagh Branch Lucknow to operate the third cash counter in view of the increased work load but it was not done so although to cope with the increased work load the management was taking scroll duties from sub staff members. Thus the management was guilty of unfair labour practice as defined under section 2(ra) of the Act. The Union, has therefore, prayed that the management be directed to transfer the workman from Rae Bareilly Branch back to some branch at Lucknow, pay halting allowance @ Rs. 40 per day for the period during which he has remained posted at Rae Bareilly and further reimburse all the expenses incurred by him on heads like House Rent, and Double Establishment.

4. The management do not dispute the promotion policy with regard to the members of sub staff as laid down in staff circular No. 2806 dated 14-5-86. But according to the management, the said promotion policy does not totally prohibit the management to post members of sub staff on promotion, if the exigency of service so demand, out of station. In fact the management did not have any vacancy of clerk-cum-cashier at any of the bank's branch/offices at Lucknow. In these circumstances he had to be posted at Rae Bareilly from Lucknow where there existed a clear vacancy of cashier/clerk. The placement are always decided at the time when the promotion orders are implemented. In fact transfer/posting/deployment of staff is the sole prerogative of the management. With regard to Shri A. H. Siddiqui, the management plead that he was reinstated in service. At the time of his

voluntarily retirement he had been working at Lucknow. Thus the union has no case at all with respect to the workman.

5. In its rejoinder, the Union alleges that at the time of voluntarily retirement, Shri Siddiqui was posted at Zonal Office, so as per provisions of the Sashtri Award and Bipartite Settlements, on reinstatement he was to be posted at Zonal Office. Since there existed a clear vacancy in the clerical cadre at Chandganj Branch of the Bank at Lucknow on 10-10-87, when the result of selection was declared, the vacancy should have been filled up by posting the workman at Chandganj Branch.

6. In support of its case, the Union has filed the affidavit of the workman and some documents. On the other hand in support of their case, the management have filed the affidavit of Shri S. N. Mehra, Personnel Officer of the Bank.

7. It is the case of the Union that 14 members of the sub staff on written test and interview as named in the list Ext. W. 2 were selected for promotion to clerical cadre by means of staff circular No. 3198 dated 10-10-87. In the list the name of the workman appears at serial No. 6. This case of the Union has been corroborated by the workman by means of his affidavit. There is no specific denial of this fact in the written statement by the management. Even there has been no cross examination of the workman on this point by the authorised representative for the management. Lastly there is no evidence in rebuttal against it. So case so set up by the Union stands amply proved. There is no dispute about the promotion policy of sub staff to clerical cadre. Ext. W-1 is the copy of extract from staff circular No. 2806 dated 14-5-85. The extract reads as under :—

Members of the sub staff on promotion to clerical cadre will as far as possible not be transferred out of station.

8. We will have to see whether in the matter of promotion of the workman from sub staff to clerical cadre the above said circular was followed by the management or not. It will have to be seen whether there had existed any vacancy in any office or branch of the Bank at Lucknow when after selection postings of the selected members of the sub staff were to be made. Whether there existed any vacancy on the date on which the staff circular dated 10-10-87 was issued is not material. It simply shows that such and such members of the sub staff had been selected for promotion to clerical cadre.

9. From the statements made by the Management witness in the cross examination it appears that prior to his promotion to the clerical cadre the workman was posted as award staff at Clarks Awadh Branch at Lucknow. This fact although not clearly stated by Union in the claim statement and rejoinder and by the workman in his affidavit has not been disputed before me by Shri O. P. Mehra, representing the Union's case. So in view of the promotion policy as far as possible he should have been accommodated at any office or branch of the bank at Lucknow. The question is whether there existed any vacancy in the clerical cadre at any office or branch at Lucknow at relevant time. The Union has given three instances in the claim statement.

10. Firstly it has been alleged by the Union that a clerk/typist (Hindi) was promoted to officer cadre from Zonal Office Lucknow and one clerk/typist (Hindi), namely Shri Lalit Mohan was performing the duties of general clerk at Zonal Office Lucknow. According to the Union the management ought to have posted Shri Lalit Mohan in place of the clerk/typist who was promoted as Officer. If it had been done so the vacancy would have occurred and in place of Shri Lalit Mohan the workman could have been accommodated. The same thing has been deposed to by the workman in his affidavit.

11. After hearing the two sides and considering the various aspects of the case, I am of the view that the Union gets no benefit out of it. It was the outlook of the management to post or not to post Shri Lalit Mohan in place of the clerk/typist (Hindi) who had been given promotion in the officer cadre. So the question of vacancy did not arise. The workman could not have been posted in place of the clerk/typist who was promoted as officer because in his cross examination, it is admitted by him that he does not know Hindi Typing. He has also admitted that Lalit Mohan was a Hindi Typist.

12. The Union has also alleged that due to increased work load at Aish Bagh Branch of the Bank scroll duties were being taken from the members of sub staff. As such the workman could have been accommodated there. This is again an administrative matter. The promotion policy on which reliance has been placed by the Union does not come in the picture.

13. Lastly, the Union has alleged that the workman could have been posted in the vacancy existing at Chandgani Branch which was filled up by the management by posting Shri Siddiqui on 16-10-87.

14. In connection with Shri Siddiqui the workman has deposed in his cross examination that he had been abroad and that his services were terminated by the bank. Prior to his proceeding abroad Shri Siddiqui was posted at Zonal Office Lucknow. On the representation of Shri Siddiqui which he made after coming back from abroad the management gave him a appointment and posted him at Chandganj Branch.

15. In his cross examination the management witness has deposed that Shri Siddiqui remained abroad for about an year or 1-1/2 year. He was voluntarily retired but was subsequently reinstated. According to him whosoever comes from abroad normally reports at Zonal Office. After that Zonal office decides where to post him. The Zonal Office, after Shri Siddiqui had reported at Zonal Office on reinstatement posted him at Chandganj Branch.

16. I have heard both Shri Mehra and Shri Mishra with regard to the case of Shri A. H. Siddiqui. Having remained abroad for one or one and half year, his seat on which he had been working would not have been kept vacant by the management. There is no evidence from the side of the Union that as long as Shri Siddiqui remained abroad, his seat remained vacant. Naturally, therefore, on his reinstatement the Zonal Office, after he had reported at Zonal Office had thought it fit to post him at Chandganj Branch Lucknow, where there existed a vacancy of clerk.

There is nothing wrong in this administrative action of the management.

17. Thus from the above discussion of evidence and circumstances, I find that at the time of posting of the workman on his promotion there did not exist any vacancy in the clerical cadre at any office or bank's branch at Lucknow. The management was therefore within their right to post him out of Lucknow. Rae Bareilly is not a place far off from Lucknow.

18. Hence, it is held that the action of the management in posting the workman out of Lucknow cannot be held unjustified. The workman/Union is consequently entitled to no relief.

19. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-12012/438/88-D-II(A)]

नई दिल्ली, 17 मई, 1991

का. आ. 1589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमण से केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिग्रहण, कानपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

New Delhi, the 17th May, 1991

S.O. 1589.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Kanpur as shown in the Annexure in the Industrial Dispute between the employer, in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on the 15-5-91.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 23 of 1988

IN THE MATTER OF DISPUTE BETWEEN :

Shri Kishan NarainApplicant

AND

Management of Punjab National Bank, LucknowRespondent

ORDER

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/409/87-D. II(A) dated 2nd March, 1988, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Hindustan Commercial Bank Ltd. now amalgamated with Punjab National Bank in terminating the services of Shri Kishan

Narain w.c.f. 19-11-82 is justified? If not, to what relief is the workman entitled?

2. The admitted facts are that on 22-4-82, while the workman Shri Kishan Narain was posted as Peon-cum-Water Man in Branch Office, Showk Khunkhun Hi of the Erstwhile Hindustan Commercial Bank, at Lucknow, he was suspended and served with a chargesheet. The charge was that on 8th April 1982, the workman had fraudulently taken payment of Rs. 1000 from the cash counter of the said branch by forging the signatures of Shri Ram Khilawan holder of Saving Bank Account No. 1093 with a view to conceal his fraudulent act he destroyed the withdrawal from of Rs. 1000 and sprinkled ink on page No. 315 of the cashier payment receipt book and hid the payment Register. Later on, according to the charge, the workman produced the said cash payment register and admitted in writing his said fraudulent act on 15-4-82. He was, therefore, charged with doing an act prejudicial to the interest of the bank as defined in clause 19.5(i) of the First Bipartite Settlement dt. 19-10-66. Shri R. M. Garg was appointed as E.O. The findings given by the E.O. were confirmed by Shri P. K. Mishra, the then General Manager (Disciplinary Authority), who terminated the service of the workman by means of his order dt. 19-11-82.

3. The workman's case is that the charge was not specific and Shri R. M. Garg was appointed E.O. not by competent authority. The workman alleges that the E.O. did not conduct the enquiry at all. He simply visited the branch on 22-7-82 and 24-7-82. He was not given any opportunity to peruse the material evidence against him nor he was afforded any opportunity to meet the charges by the E.O. He was not even given the opportunity to cross examine the witnesses. The bank did not examine Shri Ram Khilawan, the complainant. He was not furnished with the copy of finding. The disciplinary authority did not apply its mind while passing the punishment order. In any case the punishment awarded to him was out of proportion. Against the order of punishment he submitted his appeal dt. 3-1-83 to the appellate authority but to no effect. The appellate authority vide its letter dt. 8-3-83, required of him to submit the authority letter in case he intended his presence through some authorised representative. On receipt of the said letter of the appellate authority, he submitted his nomination in favour of his authorised representative vide authority dt. 12-3-83. According to him the appeal has not been disposed off by the appellate authority so far.

4. The management plead that vide his letter dt. 15-4-82 the workman admitted the charges. Despite that the Erstwhile H.C.B. Ltd., afforded him an opportunity in terms of the provisions of the first bipartite settlement. The management of the H.C.B. served the workman with a chargesheet, appointed Shri R. M. Garg as E.O. and after considering the inquiry report, the disciplinary authority awarded him proper punishment. The management admit that the workman did file an appeal on 3-1-83, and that he nominated his authorised representative in pursuance with management's letter dt. 8-3-83. However, the bank could not lay its hand on the record in the matter of decision of the appellate authority. According to the management it is not mandatory on the part of the manage-

ment to furnish copy of the written complaint received against an employee. Further it is not mandatory on the part of the management to produce the account holder in respect of whose account the fraud had been committed. The management further pleads that looking to the nature of the charges established against the workman, it was not necessary on the part of the disciplinary authority to give him a show cause notice. The Erstwhile H.C.B. was amalgamated with the Punjab National Bank vide Government Notification dt. 18-12-86.

5. The management have finally pleaded that in case the Tribunal comes to the conclusion that the inquiry conducted by the Erstwhile Bank was defective for any reason what-so-ever then in that case, the management may be permitted to lead further additional evidence to prove the charge against the workman.

6. In his rejoinder the workman has pleaded that the said letter dt. 15-4-82 was obtained from him under duress.

7. In support of his case, the workman has filed his affidavit and a number of documents. On the other hand, in support of their case, the management have filed the affidavit of Shri S. C. Mehrotra, Manager, R.O. Chowk Lucknow at the relevant time and Shri R. M. Garg who was appointed as E.O. Shri Mehrotra, also acted as a presenting officer during the domestic inquiry.

8. In the instant case, on 21-9-89, the following preliminary issue was framed:

Whether the inquiry against the workman was not conducted fairly and properly?

The cross examination of the workman was concluded on 21-9-89. Thereafter, neither the workman nor the authorised representative turned up with the result that the authorised representative for the management tendered in evidence, 2 affidavits of the management witnesses, namely, S/Shri S. C. Mehrotra and R. M. Garg.

9. Although the management witnesses were not cross examined by the authorised representative for the workman the finding on the preliminary issue still goes in favour of the workman.

10. The management witnesses have nowhere in their affidavits deposed that the workman was given an opportunity to give evidence in defence. They have not deposed that the defence representative had cross examined the witnesses produced by the bank or had the opportunity to cross examine them. Shri S. C. Mehrotra, in his affidavit has referred to the documentary evidence produced at the inquiry, but he nowhere says that copies of these documents were furnished to the workman or he was allowed to examine them.

11. It is a case where admittedly, the complainant was not examined. There is no evidence from the side of the management to show that during the course of inquiry any attempt was made to produce him. Further admittedly no show cause notice before passing the order of punishment was issued by the disciplinary

authority to the workman nor the workman was furnished with the copy of findings given by the E.O.

12. The management do not dispute the fact that an appeal was filed by the workman against the order of punishment but the management have failed to show that the appeal so filed by the workman was disposed off by the appellate authority after affording an opportunity of hearing to the workman or his representative.

13. From the side of the management much stress was placed on the admission made by the workman on 15-4-82. The copy of it is annexure I to the written statement. The workman has admitted that such a writing was given by him, but according to him it was obtained from him under duress. As stated above by me there is no evidence from the side of the management that the workman was given any opportunity to prove his contention in this regard. The above lapses could have been disproved by the management by filing the copy of inquiry proceeding and the copies of statement of witnesses etc.

14. In view of what has been found above it cannot be held that the departmental inquiry was conducted against the workman fairly and properly. Even before awarding the punishment the disciplinary authority ought to have given him a show cause notice and furnished him with the copy of finding of the E.O.

15. Hence, it is held that the inquiry conducted against the workman by the management is illegal. The preliminary issue is decided accordingly.

16. Since, in the instant case, the management in such an event has sought an opportunity to lead evidence to prove the charges, I, in view of the settled law, allow the management to prove the charges against the workman.

ARJAN DEV, Presiding Officer
[No. 12012/409/87-D. II(A)]

का. भा. 1590.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, बी. सी. सी. एल. का पथेरदीह कोलियरी के प्रबंधन में संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण सं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 15-5-91 को प्राप्त हुआ था।

S.O. 1590.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Patherdih Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on the 15-5-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD
1407 GI/91-7

In the matter of a reference under Sec. 10(1)(d) of
Industrial Disputes Act, 1947

Reference No. 154 of 1988

PARTIES :

Employers in relation to the management of
Patherdih Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 10th May, 1991.

AWARD

The present reference arises out of Order No. L-20012/65/88-D.III(A) D.IV(A), dated, the 21st November, 1988 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

“Whether the action of the Management of Patherdih Colliery of M/s. Bharat Coking Coal Limited in terminating the service of Smt. Neelmani Baurin and Smt. Mithila Rabidas Wagon Loader with effect from 1976 and 1982 is legal and justified? If not, to what relief the concerned workmen are entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

Sd/-

S. K. MITRA, Presiding Officer
[No. L-20012/65/88-D.III(A) IR(C-1)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of Reference No. 154/88

PARTIES :

Employers in relation to the management of
patherdih Colliery of M/s. Bharat Coking
Coal Limited, P.O. Patherdih Dist. Dhanbad.

AND

Their workmen.

Joint Compromise Petition of the Employers and the workmen/union.

The above mentioned employers and the workmen/union concerned most respectfully beg to submit jointly as follows :—

1. That the matter covered by the above Reference was taken up for mutual settlement by negotiations between the Employers and the workmen.
2. That as a result of such negotiations, the Employers and the workmen have agreed to settle the above matter amicably and on an overall basis on the following terms & conditions :
 - (a) It is agreed that the two workmen concerned namely Smt. Mithila Rabidas and Smt. Nilmani Baurin will be allowed to join duty in any Colliery of Sudamdih Area other than Patherdih Colliery as Wagon Loader or in any equivalent post within a week of acceptance of this joint compromise petition by the Hon'ble Tribunal.
 - (b) It is agreed that the intervening period between 12-10-76 and date of joining duty as above in the case of Smt. Nilmani Baurin and between 19-5-82 and date of joining duty as above in the case of Smt. Mithila Rabidas will be treated as extraordinary leave without wages, but period will be counted for continuity of service for the purpose of Provident Fund and Gratuity.
 - (c) It is agreed that the above is an overall settlement in respect of all the claims of the workmen concerned and the Union arising out of the above Reference.
3. That the Employers and the workmen/union hereby declare that they consider the above Reference.
3. That the Employers and the workmen/union hereby declare that they consider the above terms of settlement as fair just and reasonable to both the parties.

In view of the above, both the parties hereby pray that the Hon'ble Tribunal may be pleased to accept this joint compromise petition and disposed of the above Reference by giving an Award in terms of the same.

SUKOMAL BHATTACHARYA

S. R. BAKSHI
General Secretary,
Bihar Colliery Kamgar Union
Dhanbad
for and on behalf of the
workmen
D. MUKHERJEE
Secretary
Bihar Colliery Kamgar Union
for and on behalf of the workmen.
L.T.I. of Smt. Nilmani Baurin
L.T.I. of Smt. Mithila Rabidas.
Date 9-5-1991.

General Manager
Sudamdih Area
Bharat Coking Coal
Limited
For & on behalf of the
Employers.
RAL. S. MURTHY
Advocate, for
Employers.

Part of the Award

का. प्र. 1591.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार, स. सी. एस. का न्यू सलेक्टेड धोरी कोलियरी के प्रबंधन से संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में विनिर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, सं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O. 1591.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of New Selected Dhori Colliery of M/s. CCL and their workmen, which was received by the Central Government on the 14-5-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD.

In the matter of a reference under Section 10(1)(d)
of the I. D. Act, 1947

Reference No. 233 of 1990

PARTIES :

Employers in relation to the management of New
Selected Dhori Colliery of M/s. Central
Coalfields Ltd.

AND

Their workmen.

APPEARANCES :

For the employers—Shri R. S. Murthy, Advocate.

For the workmen—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 9th May, 1991

AWARD

By Order No. L-20012(101)/90-I.R. (Coal), dated, the 1st October, 1990, the Central Government in the Ministry of Labour, has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-k) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

“Whether the stoppage from work of Sri Suresh Nopia, piece rated worker of New Selected Dhori Colliery by the Project Officer of the said New Selected Dhori Colliery vide his Office Order dated 13-10-1982 is justified ? If not to what relief the workman is entitled?”

2. The order of reference for adjudication of the industrial dispute was received in the Office of this Tribunal on 8-10-1990 and the same was registered as Reference No. 233/90. Thereafter notices were issued to the parties for filing their written Statement.

The workmen did not appear nor did he take any step, but the management appeared through their Advocate Shri R. S. Murthy.

3. Since the concerned workman in the present industrial dispute did not take any step inspite of issuance of notice to him, it appears to me that he is not interested to pursue the present dispute. Hence, I hold that there exists no industrial dispute between the parties. In the circumstances, I am constrained to pass a "No dispute" Award in the present industrial dispute.

This is my Award.

S. K. MITRA, Presiding Officer
[No. L-20012/101/90-IR(C-I)]

का. प्र. 1592 - औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतिय जीवन बीमा निगम के प्रबंधन में संलग्न नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

S.O. 1592.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on the 15-5-1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT[LC(R)(274)]1989

PARTIES :

Employers in relation to the management of Life Insurance Corporation of India, Jabalpur (M.P.) and their workman Shri Jalim S/o. Shri Bhayalal, Bheem Ward, Chotti Bazaria, District Bina, Jabalpur-470113(M.P.).

APPEARANCES :

For Workman.—None.

For Management.—Shri P. K. Banerjee, Admn. Officer (Legal).

INDUSTRY : Insurance DISTRICT : Jabalpur (M.P.)

Dated : May 9, 1991

AWARD

This is a reference made by the Central Government Ministry of Labour, vide its Notification No. L-17012/24/88-IR(B) dated 15th December, 1989 for adjudication of the following dispute :

"Whether the action of the management of LIC of India, Jabalpur in terminating services 1407 GI/91—8.

of Shri Jalim S/o. Shri Bhayalal from 25-6-1988 without any compensation under the provisions of the Industrial Disputes Act, 1947 is justified? If not, to what relief the workman concerned is entitled?"

2. In this case neither party filed any statement of claim inspite of notice issued to them.

3. On 26-4-1991 Shri P. K. Banerjee, Administrative Officer (Legal) of the management filed an application to the effect that the workman has been absorbed as a Class IV employee and the workman has also given in writing that he does not want to prosecute the case and is satisfied with the present post. The letter alleged to have been written by the workman has also been filed which is on record.

4. The case registered on 20-12-1989 and nobody appeared in this case on behalf of the workman nor any statement of claim has been filed despite repeated notices issued to him. Obviously the workman has no interest in the case, may be because the management has absorbed him as a Class IV employee. In the circumstances, I record a no dispute award in this case and make no order as to costs.

V. N. SHUKLA, Presiding Officer.
[No. L-17012/24/88-IR(B-II)]

का. प्र. 1593 - औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भं. मं. मं. एल. का भुरकुंडा कोलिरी के प्रबंधन में संलग्न नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद केन्द्रीय सरकार औद्योगिक अधिकरण, मं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

S.O. 1593.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhurkunda Colliery of M/s. CCL and their workmen, which was received by the Central Government on the 15-5-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 196 of 1990

PARTIES :

Employers in relation to the management of Bhurkunda Colliery of C.C. Ltd., P.O. Bhurkunda, Distt. Hazaribagh and their workmen.

APPEARANCES :

For the Employers.—Shri R. S. Murthy, Advocate.

For the Workmen.—Shri B. Joshi, Advocate.
STATE : Bihar INDUSTRY : Coal

Dated, the 8th May, 1991.

AWARD

The present reference arises out of Order No. L-20012(14)/90-I.R. (Coal-I), dated, the 27th August, 1990 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the action of the management of Bhurkunda Colliery of C.C.L. P.O. Bhurkunda, Distt. Hazaribagh by not making payment of wages to Sri Madar Bux, C.C.M. Driver of Bhurkunda Colliery for the period from 16-3-1988 to 25-3-1988 justified. If not, to what relief the workman concerned is entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

Sd/-

S. K. MITRA, Presiding Officer.
[No. L-20012(14)/90-IR (Coal-I)]

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of Reference No. 196/90

PARTIES :

Employers in relation to the Management of
Bhurkunda Colliery of Central Coalfields
Limited.

AND

Their workmen (represented by United Coal
Workers' Union).

JOINT COMPROMISE PETITION OF THE EMPLOYERS AND THE WORKMEN

The above mentioned employers and the workmen
most respectfully submit jointly as follows :—

- (1) That the employers and the workmen have jointly negotiated the matter covered by the above reference with a view to arriving at an amicable and mutually acceptable settlement.
- (2) That as a result of such negotiations, the Management and the workmen have agreed

to settle the matter on the following terms
and conditions :—

- (a) It is agreed that the Management shall reduce the punishment awarded to the workman concerned Shri Madar Bux, C.C.M. Driver of Bhurkunda Colliery from 10 days to 3 days and thus he will be deemed to have been suspended without wages as punishment from 16-3-1988 to 18-3-1988.
- (b) It is agreed that in view of clause (a) above, the workmen concerned will be paid wages for the remaining period of suspension (excluding Sundays/Holidays).
- (c) It is agreed that this is an over all settlement in full and final settlement of all the claims of the workmen concerned and the United Coal Worker's Union arising out of the above reference.
- (3) That the employers and the workmen hereby jointly declare that they consider the above terms of settlement as fair, just and reasonable to both the parties.

In view of the above, the employers and the workmen jointly pray that the Hon'ble tribunal may be pleased to dispose of the above reference by accepting the above joint compromise petition and by giving and award in terms thereof.

(S. N. JHA),
Secretary,

United Coal Worker's

Union for and on behalf
of Workmen.

(RA. S. MURTHY)

Dated 20-4-91

Advocate

For Employers

Sd.- Illegible

Project Officer,
Bhurkunda Colliery,
Central Coalfields Limited.
for and on behalf of employers.
Additional Chief Mining Engineer
Bhurkunda Colliery.

का. मा. 1594.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. बी. सी. सी. एल के प्रबंधन में संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था ।

S.O. 1594.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on the 15-5-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 20 of 1989

PARTIES :

Employers in relation to the management of M/s. Bharat Coking Coal Limited.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri P. N. Pandey, Sr. Law Officer.

For the Workmen : D. K. Dey, Org. Secretary, Dhanbad Colliery Karmachari Sangh.

STATE : Bihar

INDUSTRY : Coal.

Dated, the 8th May, 1991

AWARD

The present reference arises out of Order L-20012/128/88-I.R. (Coal-I), dated 1-3-1989 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows : —

“Whether the demand of the Dhanbad Colliery Karmachari Sangh (BMB & ABKMS) Dhanbad, that Shri B. Ekka, Store Keeper be promoted and designated as Assistant Superintendent Stores in Central Hospital, Dhanbad with effect from 1-8-1985 is justified? If yes, to what relief the workman is entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer
[No. L-20012/128/88-IR(Coal-I)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Reference No. 20/89

Employers in relation to the Management of M/s. Bharat Coking Coal Limited.

AND

Their Workmen

Petition of compromise

The humble petition on behalf of the parties of the above reference most respectfully sheweth :—

1. That the above dispute has been amicably between the parties on the following terms:—

Terms of settlement

(a) That the concerned workman Sri B. Ekka, Store Keeper of M/s. BCCL, will be promoted as Assistant Superintendent of Stores in the scale of pay of Rs. 1400-40-1800-EB-50-2300 prescribed under 4th Central Pay Commission Recommendations with effect from 28-2-1989, on which date the post of Asstt. Superintendent of store fall vacant on account of retirement of Sri S. B. Choubey.

(b) That the pay of the concerned workman will be revised as per the Rules of the Central Government on account of his promotion on 28-2-1989 and he will be paid his difference of wages, amenities and benefits computed from 28-2-1989 till the date of implementation of his settlement.

(c) That the concerned workman will have no further claim arising out of the demand covered in the present reference and the dispute stands finally resolved.

2. That in view of the aforesaid settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the Employers

For the Workman

1. Sd/- Illegible.

1. Sd/- Illegible.

General Manager
(Personnel) B.C.C.L.

2. Sd/- Illegible.

2. Sd/- Illegible.

General Manager
(Personnel) B.C.C.L.

WITNESS :—

1. Ramesh Chandra Mishra, Sr. L.A. 27-4-91.

General Manager (Personal) B.C.C.L.

2. Chandra Majh P.A. 27-4-91.

Part of the Awards

Sd/- Illegible.

Presiding Officer,

Central Govt Industrial Tribunal

Cum Labour Court (No. 1, Dhanbad).

नई दिल्ली, 21 मई, 1991

का. प्र. 1595 -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, न्यू. बैंक आफ इंडिया के प्रबंधन से संबंध निषेधकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अतिक्रमण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

New Delhi the 21st May, 1991

S.O. 1595.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of

the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the management of New Bank of India and their workmen, which was received by the Central Government on the 15-5-1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(21)/1988.

PARTIES :

Employers in relation to the management of New Bank of India, Press Complex, Habibganj Road, Bhopal and their workman, Shri Subhash Chand Bhandole Sub-staff represented through the Madhya Pradesh Bank Employees Association, C/o Punjab National Bank, Jabalpur Cantt (M.P.)

APPEARANCES :

For Workman—Shri P. N. Sharma.

For Management—Shri A. K. Agarwal.

INDUSTRY : Banking DISTRICT : Bhopal (M.P.)

AWARD

Dated, May 2, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12012/413/87-D.II(A) dated 10th February, 1988, for adjudication of the following dispute :—

“Whether the action of the management of New Bank of India, Regional Office, Bhopal in terminating the services of their workman Shri Subhash Chand Bhandole, Sub-staff w.e.f. 28-8-1985 is justified? If not, to what relief the workman concerned is entitled?”

2. Facts leading to this case are that the workman worked with the management for November/December, 1982 to 28-5-1985 on which date he was stopped from service. It is also not disputed that he was paid Rs. 10 per day. No retrenchment notice was issued to him. No retrenchment compensation was paid to him.

3. The workman says that he worked without break upto 28-5-1985 which follows that he had completed 240 days continuous service in last preceding year. He was full time worker though he was paid daily wages. His services having been terminated without complying with the provisions of Sec. 25-F of the I.D. Act are void ab initio and he is entitled to be reinstated with full back wages and consequential benefits.

4. The management says that he was not an employee of the management. He was awarded contract to bring water in the Branch at Rs. 10 per day from about November, 1982 onwards. He had also applied for employment as Sweeper on part time basis but his application was rejected vide letter dated 14-12-1984. He was not found eligible for any post. He was not sponsored by the Employment Exchange. He was no member of the Association. His case could not be sponsored by the Union. Since his services were on contract basis he was not to be paid for Sundays and Holidays. There is no violation of any of the provisions and the reference is liable to be rejected.

The workman in rejoinder says that the Sastry Award and Bipartite Settlement do not provide such classification. The workman was a workman well within the meaning of Sec. 2(s) of the I.D. Act. He was paid Rs. 50 for supply of water, Rs. 60 per month for sweeping the premises and Rs. 10 per day for performing the duties of full time peon. Thus he was a full time workman. Management has not paid him wages according to various awards and settlements.

6. Reference was the issue in this case.

7. Management has proved Ex. M/1 to Ex. M/11 and examined Shri N. S. Rathore while the workman examined himself in support of his case.

8. It is almost undisputed that the workman had worked for more than one year's continuous service which facts find corroboration not only from the testimony of W.W. 1, S.C. Bhandole but partly from the testimony of M.W. 1, N.S. Rathore.

9. N. S. Rathore himself admitted that the workman had worked as Sweeper at the rate of Rs. 10 per day. He was also paid Rs. 50 per month for job of waterman. In his cross-examination he has specifically said that the workman served as Sweeper only and nothing else.

10. A perusal of Ex. M/1 will reveal that at various occasions the workman had served in different capacity from time to time. He was paid water allowance general charges, temporary duty charges, payment to work as temporary peon etc. etc. Even assuming that there was any break in service they were not on account of any fault on the part of the workman and that period if any, should be treated as continuous period of service as held in Workman of American Express International Banking Corporation Vs. Management of American Express International Banking Corporation [1985 FLR (51) p. 483] A perusal of Ex. M/9 would reveal that the workman had worked for 146 days as a temporary peon in the Branch. Ex. M/10 discloses that as per order dated 9th July, 1980 the workman was appointed as a part time peon-cum-furrash from 9th July 1980 to 19th July 1980 and was paid salary and allowances as per Bank Rule. If all these facts considered together it would reveal that there was employer-employee relationship between the workman and the management and not mere contract simpliciter as pleaded by the management.

Following observations in case of Mersey Docks & Harbour Board Vs. Coggins & Griffiths Liverpool Ltd. [1947 A. C. (1) (17) (C.A.)] are sufficient to support my above contentions :—

“Many factors have a bearing on the result. Who is paymaster, who can dismiss, how long the alternative service lasts, what machinery is employed have all to be kept in mind. The expressions used in any individual case must always be considered in regard to the subject matter under discussion but amongst the many tests suggested I think that the most satisfactory, by which to ascertain who is the employer at any particular time is to ask who is entitled to tell the employee the way in which he is to do the work upon which he is engaged.”

I therefore hold that the workman was not employed on contract basis but he was a workman of the management as defined under Sec. 2(s) of the I.D. Act. He had completed one year's continuous service as defined in Sec. 25B of the I.D. Act. His services therefore could not be terminated without complying with the provisions of Sec. 25F of the I.D. Act, which has not been followed. Thus his termination from service is void ab initio and he is entitled to be reinstated with continuity in service. There is sufficient evidence before this Tribunal that the workman was gainfully employed elsewhere as is clear from the unchallenged testimony of N. S. Rathore on this point. Thus he would not be entitled to any back wages. Reference is accordingly answered as follows :—

The action of the management of New Bank of India, Regional Office, Bhopal in terminating the services of their workman Shri Subhash Chand Bhandole, Sub-staff w.e.f. 28-8-1985 is unjustified. He is entitled to reinstatement with continuity of service but without wages. No order as to costs.

V. N. SHUKLA, Presiding Officer.

[No. L-12012/413/87-D.II(A)]

नई दिल्ली, 23 मई, 1991

का. भा. 1596.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, में. को. सी. मो एल का कुमुडा एरिया का गोधुर वर्कशॉप के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुवर्धन में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

New Delhi, the 23rd May, 1991

S.O. 1596.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Godhur Workshop of Kusunda Area of M/s. BCCCL and their workmen, which was received by the Central Government on the 15-5-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 45 of 1984.

PARTIES :

Employers in relation to the management of Godhur Workshop of Kusunda Area of M/s. BCCCL.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri G. Prasad, Advocate.

For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar

INDUSTRY : Coal.

Dated, the 8th May, 1991.

AWARD

By Order No. L-20012(138)/84-D.III(A), dated, the 25th July, 1984 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

“Whether the action of the management of Godhur Colliery of M/s. Bharat Coking Coal Limited, P.O. Kusunda (Distt. Dhanbad) in denying proper grade i.e. Technical and Supervisory Grade ‘B’ to Shri Indradeo beldar, Head Fitter is justified? If not, to what relief the workman concerned is entitled and from which date?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S K. MITRA, Presiding Officer

[No. L-20012(138)/84-D.III(A)/IR(Coal-I)]

K. J. DYVA PRASAD, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1,
DHANBAD

Ref. No. 45 of 1984

PARTIES :

Employers in relation to the management of
Godhour Workshop of Kusunda Area of
M/s. Bharat Coking Coal Limited.

AND

Their Workman (Indradeo Beldar) represented
by the Rashtriya Colliery Mazdoor Sangh.
Joint Petition of Compromise.

The humble Petition on behalf of the Parties;

Most respectfully sheweth :—

1. That, the Parties discussed in the Joint Committee on 22-8-1990, about the aforesaid industrial disputes, pending adjudication, before this Hon'ble Tribunal, and have settled the same on the following Terms and conditions :—

- (a) It was agreed that Shri Indra Deo Beldar, Head Fitter, has since been promoted and placed in Tech. & Supervisory Grade 'C' in the pay Scale of Rs. 1222-60-1702-66-2230 with effect from 10-7-1987 which is fair, proper and reasonable the Channel of promotion being from Cat. VI to Tech. & Supervisory Grade 'C' and not Technical and Supervisory Grade 'B'.
- (b) That, the terms and conditions as mentioned hereinabove are fair, proper and reasonable.
- (c) That, this settlement resolves all the disputes pending adjudication, before the Hon'ble Tribunal, with respect to the instant reference.
- (d) That, the parties to the disputes shall have no other Claim whatsoever.
- (e) That, it was also agreed that the Hon'ble Tribunal may kindly be requested to accept the aforesaid settlement, and pass an award in terms thereof.
- (f) That, six copies of the settlement are being submitted for necessary action.

It is, therefore, prayed that your honour may graciously be pleased to accept the same and pass an award in terms of the aforesaid settlement.

And for this act of kindness the parties shall ever pray.

Representing workmen.

- 1.
- 2.

Workmen concerned.

Witnesses :—

1. Name and address
2. Name and address.

Part of the Award.

Sd.|-

Presiding Officer,

CENTRAL GOVT. INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT (NO. 1) DHANBAD.

Representing employers.

1. U. S. SINGH, (G.M.).

2. S. C. SONEJA, P. M. Kusunda Area.

P. D. SHUKLA, Dy. P.M. Kusunda Area.

Sd.|-

Advocate

नई दिल्ली, 16 मई, 1991

का. धा 1597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मधायपुर कोलि-यारी आफ न. ई. सी. लि. के प्रबंधन के संबंध विवादों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया, घासामसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

New Delhi, the 16th May, 1991

S.O. 1597.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madhaipur Colliery of M/s. E. C. Ltd., and their workmen, which was received by the Central Government on the 14-5-1991.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, ASANSOL.

Reference No. 52/89

PARTIES :

Employers in relation to the Management of
Madhaipur Colliery of M/s. Eastern Coal-
fields Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Shri P. Banerjee, Advocate.

For the Workman—Shri M. Mukherjee, Advocate.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 29th April, 1991

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012 (202)/89-IR(C.II) dated the 14th December 1989.

SCHEDULE

"Whether the action of the management of Madhaipur Colliery of M/s. E.C. Ltd., in striking off the name of Sri Bibhuti Kora, Loading Peon, from the rools of the Com-

pany, is justified? If not, to what relief is the concerned workman entitled?"

2. To-day (29-4-1991) Sri M. Mukherjee Advocate for the union submits that he has no instruction to proceed with the case. The concerned workman has also not turned up. It appears to me that no dispute exists. Accordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer.
[No. L-22012/202/89-IR(C-II)]

का. प्र. 1598—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गुगास कोलियरी आफ मै. वेस्टर्न कोलफील्ड लि. के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारियों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अजालपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार की 15-5-91 को प्राप्त हुआ था।

S.O. 1598.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ghughus Colliery Ltd. of M/s. Western Coalfields Ltd. and their workmen, which was received by the Central Government on the 15-5-91.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)/(72)/1988

PARTIES :

Employers in relation to the management of M/s. Western Coalfield Ltd. Ghughus Colliery, Post Ghughus, District Chandrapur (MS) and their workman, Shri Rajesh Narsaiya, represented through the Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) C/o G.M.'s Office of W.C.L. Post and District Chandrapur (MS).

APPEARANCES :

For Workman. None.
For Management. Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mining
DISTRICT : Chandrapur (MS)

AWARD

Dated : May 2, 1991

This reference was made by the Central Government, Ministry of Labour, vide its Notification No. L-21012/9/88-D-3(B) dated 8-7-1988, for adjudication of the following dispute :—

"Whether the action of the management of Ghughus Colliery of M/s. Western Coalfields Ltd., Post Ghughus, District Chandrapur in not giving employment to Shri Rajesh Narsaiya adopted son and depen-

dent of the deceased worker Shri Nather Narsaiya Rajayya, Surface Tramper is justified? If not, to what relief Shri Rajesh Narsaiya is entitled?"

2. This case was registered on 26-7-1988 but nobody ever appeared on behalf of the workman for the last 13 proceedings despite repeated notices issued to the workman. Even statement of claim has not been filed on behalf of the workman. Management has filed its statement of claim which is on record.

3. It appears that the workman has no interest in prosecuting his case. Therefore I record a no dispute award in this case and make no order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-21012/9/88-D.3(B)]

का. प्र. 1599—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मधोपुर कोलियरी आफ मै. ई.सी. लि. के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारियों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार की 15-5-91 को प्राप्त हुआ था।

S.O. 1599.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madhaipur Colliery of M/s. E.C. Ltd., and their workman, which was received by the Central Government on the 15-5-191.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 1/90

PARTIES :

Employers in relation to the Management of Madhaipur Colliery of M/s. E.C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employers : Shri P. Banerjee, Advocate.

For the Workman : Shri M. Mukherjee, Advocate.

INDUSTRY : Coal STATE : West Bengal

Dated, the 6th May, 1991

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has

reference the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(212) 89-IR(C.II) dated the 27th December, 1989.

SCHEDULE

"Whether the action of the Management of Madhaipur Colliery of M/s. Eastern Coal-fields Ltd., in superannuating Shri Kesho Mistry, S/Tramman on and from 13-10-1987, is justified? If not, to what relief the workman concerned is entitled?"

2. Today (6-5-91) Sri M. Mukherjee, Advocate for the union submits that he has no instruction to proceed with the case. The concerned workman has also not turned up. It appears to me that no dispute exists. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer
[No. L-22012/212/89-IR(C-II)]

का.प्र. 1600—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नूतनशगा कोलियरी आफ म.ई.सी. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

S.O. 1600.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nutandanga Colliery of M/s. E.C. Ltd., and their workmen, which was received by the Central Government on the 15-5-91.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 26/90

PARTIES :

Employers in relation to the Management of Nutandanga Colliery of M/s. E.C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Shri P. Banerjee, Advocate.

For the Workman—Shri M. Mukherjee, Advocate.

INDUSTRY : Coal STATE : West Bengal

Dated, the 6th May, 1991

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 1 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(15) 90-IR(C.II) dated the 6th July, 1990.

SCHEDULE

"Whether the action of the management of Nutandanga Colliery of M/s. Eastern Coal-fields Ltd., P.O. Nutandanga, District Burdwan in denying employment to Shri Shama Prasad Banerjee, S/o Late Fakir Chand Banerjee, Ex. Attendance Clerk under Voluntary Retire Scheme is justified? If not, to what other relief is the concerned workman entitled to?"

2. Today (6-5-91) Sri M. Mukherjee, Advocate for the union submits that he has no instruction to proceed with the case. The concerned workman has also not turned up. It appears to me that no dispute exists. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer
[No. L-22012/15/90-IR(C-II)]

का.प्र. 1601—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मधाईपुर कोलियरी आफ म.ई.सी. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

S.O. 1601.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madhaipur Colliery of M/s. E. C. Ltd., and their workmen, which was received by the Central Government on the 15-5-91.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 4/90

PARTIES

Employers in relation to the Management of Madhaipur Colliery of M/s. E.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri P. Banerjee, Advocate.

For the Workmen—Shri M. Mukherjee, Advocate.

INDUSTRY : Coal ... STATE : West Bengal
Dated, the 6th May, 1991

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(228)89-IR(C.II) dated the 10th January, 1990.

SCHEDULE

"Whether the action of the Management of Madhaipur Colliery of M/s. Eastern Coalfields Ltd., in retrenching S/Shri Sarat Majhi and 107 other Wagon Loaders (as per list annexed) on and from 31-10-74 is justified? If not, to what relief are the concerned workmen entitled?"

2. Today (6-5-91) Sri M. Mukherjee, Advocate for the union submits that he has no instruction to proceed with the case. The concerned workmen have also not turned up. It appears to me that no dispute exists. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer
[No. L-22012(228)89-IR(C-II)]

का.सा. 1602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्हाईपुर कोलियरी प्राफ.मै.ई.सी.लि. के प्रबंधक के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पक्षपट्ट का प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O. 1602.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madhaipur Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on the 14-5-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 10/91

PARTIES :

Employers in relation to the Management of Madhaipur Colliery of M/s E. C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—None.

1407 GI/91--9

For the Workman—None.
INDUSTRY : Coal

STATE : West Bengal
Dated the 30th April, 1991

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(354)90-IR(C.II) dated the 20th March, 1991.

SCHEDULE

"Whether the action of the management of Madhaipur Colliery of M/s. Eastern Coalfields Ltd., P.O. Nutandanga, Distt. Burdwan in denying payment of difference of wages to Shri Audh Raj Das and Abhoy Narayan Majhi General Mazdoors of Category-G as river bed guards is justified? If not to what relief are the concerned workmen entitled?"

2. This Reference was received by this Tribunal on 27-3-91. Thereafter a notice was issued upon both the parties for filing written statement on 15-4-91. The regd. notice was duly served upon the Organising Secretary of the concerned union on 14-4-91. But none appeared for the union or for the management on 15-4-91.

On 15-4-91 the A/D Card showing service upon the Organising Secretary was not received. So 25-4-91 was fixed for further orders. On 25-4-91 none appeared either for the union or for the management. So it appears that the union is not interested to proceed with the case. As such a no-dispute award is passed.

N. K. SAHA Presiding Officer
[No. L-22012(354)90-IR(C-II)]

का.सा. 1603.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुतनडंगा कोलियरी प्राफ.मै.ई.सी.लि. के प्रबंधक के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पक्षपट्ट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O. 1603.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nutandanga Colliery of M/s. E.C. Ltd., and their workmen, which was received by the Central Government on the 14-5-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 39/90

PARTIES :

Employers in relation to the Management of
Nutandanga Colliery of M/s. E.C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Sri P. Banerjee, Advocate.

For the Workman—Sri M. Mukherjee, Advocate.

INDUSTRY : Coal.

State : West Bengal.

AWARD

Dated, the 29th April, 1991

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(94)90-IR(C.II) dated 11-9-1990.

SCHEDULE

"Whether the action of the management of Madhaipur Colliery of M/s. E.C. Ltd. P.O Nutandanga, Dist. Burdwan in denying wages of Asstt. Surveyor to Sh. Amarendra Nath Mondal, Survey Mazdoor is justified? If not, to what relief is the concerned workman entitled?"

2. To-day (29-4-91) Sri M. Mukherjee, Advocate for the union submits that he has no instruction to proceed with the case. The concerned workman has also not turned up. It appears to me that no dispute exists. Accordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer
[No. L-22012/94/90-IR (C-II)]

का.आ. 1604.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्याह्न कॉलियरी आफ मी. ई.सी. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O. 1604.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansole as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madhaipur Colliery of M/s. E.C. Ltd., and their workmen, which was received by the Central Government on the 14-5-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOLE

REFERENCE NO. 53 89

PARTIES :

Employers in relation to the Management of
Madhaipur Colliery of M/s. E.C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Sri P. Banerjee, Advocate.

For the Workman—Sri M. Mukherjee, Advocate.

INDUSTRY : Coal

State : West Bengal.

AWARD

Dated, the 29th April, 1991

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(201) 89-IR(C.II) dated the 14th December 1989.

SCHEDULE

"Whether the action of the Management of Madhaipur Colliery of M/s. E.C. Ltd., in refusing employment to Sri Shyam Lal, Jamadar, Sweeper, is justified? If not, to what relief the workman concerned is entitled?"

2. To-day (29-4-91) Sri M. Mukherjee, Advocate for the union submits that he has no instruction to proceed with the case. The concerned workman has also not turned up. It appears to me that no dispute exists. Accordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer
[No. L-22012/201/89-IR(C-II)]

का.आ. 1605.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्याह्न कॉलियरी आफ ई.सी.लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O. 1605.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madhaipur Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on the 14-5-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

REFERENCE NO. 3596

PARTIES :

Employers in relation to the Management of
Madhaipur Colliery of M/s. E.C. Ltd.

AND

Their Workman.

APPEARANCES :

For the Employers—Sri P. Banerjee, Advocate.

For the Workman—Sri M. Mukherjee, Advocate.

INDUSTRY : Coal. STATE : West Bengal.

AWARD

Dated, the 29th April, 1991

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(76)90-IR(C-II) dated the 7th August, 1990.

SCHEDULE

"Whether the action of the management of Madhaipur Colliery of M/s. Eastern Coal-fields Ltd., P.O. Nutandanga, Dist. Burdwan in refusing payment of wages as per NCWA to Shri Madhusudan Mandal, Draftsman, designated as Survey Mazdoor is justified? If not, to what relief is the concerned workman entitled?"

2. Today (29-4-91) Sri M. Mukherjee, Advocate for the union submits that he has no instruction to proceed with the case. The concerned workman has also not turned up. It appears to me that no dispute exists. Accordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer.

[No. L-22012(76)90-IR(C-II)]

का.प्र. 1606.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नूतन कोलियरी आफ मी. बस्टान कोलफील्ड लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्तर्ग्रह में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-91 को प्राप्त हुआ था।

S.O. 1606.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nandan Colliery of M/s. Western Coalfields Limited and their workmen, which was received by the Central Government on the 15-5-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (M.P.)

CASE NO. CGIT/IC(R)/(27)/1989

PARTIES :

Employers in relation to the management of
Nandan Colliery of M/s. Western Coal
Fields Limited, Kanhan Area, P.O. Damua,
District Chhindwara (M.P.) and their work-
man, Shri Kripashankar, represented through
the R. K. K. M. S. (INTUC), P.O. Chanda-
metta, District Chhindwara (M.P.).

APPEARANCES :

For the Workman.—None.

For the Management.—None.

INDUSTRY : Coal Mining. DISTRICT : Chhind-
wara (M.P.)

AWARD

Dated : May 2, 1991

In exercise of the powers conferred by Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Central Government in the Ministry of Labour has referred the following dispute to this Tribunal for adjudication vide Notification No. L-22012(11)85-D.V/IR(C-II) dated 27-6-1989 :—

"Whether the action of the Management of Nandan Colliery of M/s. W.C. Ltd., Kanhan Area in dismissing Sri Kripashankar from services w.e.f. 24-7-83, is justified? If not to what relief the workman concerned is entitled?"

2. The case was registered on 3-7-1989, but nobody ever appeared on behalf of the parties for the last six proceedings despite repeated notices issue to them. It appears that the parties have no interest in the case. In the circumstances No Dispute Award is passed. No order as to costs.

V. N. SHUKLA, Presiding Officer.

[No. L-22012(11)85-D.V/IR(C-II)]

का.प्र. 1607.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मघाईपुर कोलियरी आफ मी. ई.सी.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्तर्ग्रह में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-91 को प्राप्त हुआ था।

S.O. 1607.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madhaipur Colliery of M/s. E.C. Ltd., and their workman, which was received by the Central Government on the 19-5-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL

REFERENCE NO. 15/90

PARTIES :

Employers in relation to the Management of
Madhaipur Colliery of M's. E.C. Ltd.

AND

Their Workman.

APPEARANCES :

For the Employers.—Sri P. Banerjee, Advocate.

For the Workman.—Sri M. Mukherjee, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

AWARD

Dated, the 29th April, 1991

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. 22012(199) 89-IR(C. I) dated the 18th May, 1990.

SCHEDULE

Whether the action of the Management of Madhaipur Colliery of M's. Eastern Coalfields Ltd., in striking off the name of Sri Khudi Lal Pasi, Wagon Loader from the rolls of the company vide letter dated 16-4-79 is justified? If not, to what relief the workman concerned is entitled?"

2. Today (29-4-91) Sri Mukherjee, Advocate for the union submits that he has no instruction to proceed with the case. The concerned workman has also not turned up. It appears to me that no dispute exists. Accordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer

[No. L-22012/199/89-IR(C-II)]

RAJA LAL, Desk Officer